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Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-first session
Agenda item 1 (c)

ORGANIZATION OF WORK: METHODS OF WORK OF THE SUB-COMMISSION

Report of the sessional working group on methods of work of the Sub-Commission, established pursuant to the Sub-Commission decision 1999/102

Chairman-Rapporteur: Mr. Marc Bossuyt

1. At its 2nd meeting, on 3 August 1999, the Sub-Commission, upon the recommendation of its officers, decided to establish a sessional working group on the methods of work of the Sub-Commission (decision 1999/102). The task of the working group was to consider and complete the examination of the new revised working paper on methods of work of the Sub-Commission prepared by Mr. Ribot Hatano pursuant to Sub-Commission decision 1998/108 (E/CN.4/Sub.2/1999/2).

2. Following nominations made by the various regional groups, the Sub-Commission approved the following composition of the working group: Mr. M. Bossuyt, Mr. H. Fix-Zamudio, Mr. R. Hatano, Mr. O. Shamshur and Mrs. H. Warzazi. Mr. Bossuyt was elected Chairman-Rapporteur.

3. The working group held three meetings, on 9, 11 and 13 August 1999. The meetings were open to all members of the Sub-Commission. The meetings were also attended by observers for States and intergovernmental and non-governmental organizations.

4. The working group had before it the working paper prepared by Mr. Hatano, which contained in an annex the draft compilation of rules of procedure, guidelines, decisions and practices applicable to the Sub-Commission.

5. In introducing his working paper, Mr. Hatano explained that, when justified, he had made mainly technical changes, not affecting substance, to certain of the rules of procedure of the functional commissions of the Economic and Social Council. Besides various existing guidelines, decisions, practices and notes by the Chairpersons, the compilation included new proposals which needed to be considered by the Sub-Commission. It was also recalled that, in 1997, the working group established during the forty-ninth session of the Sub-Commission had been able to consider rules 1 to 38 of the draft compilation as contained in the working paper prepared by Mr. Hatano (see the report of the sessional working group (E/CN.4/Sub.2/1997/40)).

6. During its 1999 session, the working group considered first rules 39 to 78 of the draft compilation, as well as other guidelines, decisions and new rules contained therein. Rules 1 to 38 were only considered to the extent that the sessional working group on the methods of work at the forty-ninth session of the Sub-Commission had suggested modifications. In the course of the discussion, some of the rules were orally revised or corrected by Mr. Hatano. Members of the Sub-Commission also introduced proposals with a view to modifying, supplementing or deleting some of the rules or parts thereof.

7. The following rules were approved without any substantive comments from the members of the working group or other participants: 40, 41, 46 to 68, 70 to 73, 75, 76 and 78.

8. Decisions taken or discussion held, if any, with regard to other rules and proposals contained in the revised working paper are reflected below.

Rule 5 (Drawing up of the provisional agenda)

9. The working group decided to replace the words "The High Commissioner for Human Rights" in paragraph 2 (e) by the words "The Secretary-General" and to delete subparagraphs (b) and (d) of paragraph 2 bis.

Rule 11 (Alternates)

10. The text of practice 3, subparagraph 2, was revised by deleting the words "or special rapporteurs".

11. Various issues relating to the role of alternates were discussed at length by the working group. A reference was made to Economic and Social Council resolution 1983/32 which expressly provided that the alternate "may serve temporarily ... if the member is unable to attend". Some participants felt strongly that an alternate could only participate in the debate if the member of the same nationality was absent, and that the alternate should in no case take the floor on the same item as the expert. It was pointed out in that regard that exceptions could only be made with respect to alternates who

had been entrusted by the Sub-Commission with the preparation of studies or working papers. The question was also raised of whether an alternate might become a sponsor of a draft resolution. It was pointed out that while it was a normal and common practice in the absence of the expert, the situation might become more complicated if, by the time of the vote, the expert had arrived and had quite different views with regard to the draft resolution in question. As a result of the discussion, new subparagraph 6 was adopted. See annex, rule 13 (Alternates), paragraph 2.

Rule 20 (Voting rights of the officers)

12. The working group decided to replace the text of paragraph 1 of practice 6 with the following text:

> "In the practice of the Sub-Commission, the Chairman would abstain from exercising his voting rights when he is chairing the meeting".

It was understood that this practice would apply to a Vice-Chairman when he is chairing the meeting.

Rule 39 (General principle)

13. Following the consideration of practice 8 and new proposal 1, the working group decided to delete new proposal 1 and to replace the text of practice 8 with the following text:

> "The Sub-Commission may at any time decide to hold a private meeting when such private meeting could facilitate an exchange of views among members".

Rule 42 (Points of order)

14. Following the consideration of new proposal 2 during which several drafting suggestions were made, the working group decided to adopt the following revised text of this new proposal:

> "A member may not raise a point of order in such a way as to interrupt the presentation of another member's point of order, unless, subject to the appreciation of the Chairman, the member who asked for the point of order first is speaking on the substance of the matter under consideration".

Rule 43 (Speeches)

15. The text of practice 9 was revised by adding, at the beginning, the words "Once the list of speakers on any particular item has been established"; by replacing "shall" by "may"; and by adding, at the end of the text, the words "unless otherwise decided by the Sub-Commission".

16. It was considered appropriate to change the order of subparagraphs (a), (b) and (c) in guideline No. 16 (Speaking time) in order to correspond to the order established in guideline No. 14 (Order of statements).

Rule 77 (Method of amendment)

17. There was a general understanding that it was not within the purview of the Sub-Commission to amend unilaterally the rules of procedure established by the Economic and Social Council. It was, however, felt that the application of certain rules could be clarified, without affecting their substance, to better serve the purposes of the Sub-Commission and to enhance its working methods.

XV. PREPARATION OF STUDIES

18. With regard to guideline No. 5 (Appointment of commentators), many experts agreed that this practice had not been much used but could still be helpful.

XVI. RESOLUTIONS AND DECISIONS

19. It was considered appropriate by the members of the working group to delete the entire reference to guideline No. 9 (Self-discipline).

20. In guideline No. 9 (bis) (Consultation), it was decided to replace the words "is found to exceed the desired number" by the words "risks being too high".

XVII. AGENDA ITEM ON HUMAN RIGHTS SITUATIONS

21. The wording at the end of decision 3 was modified to read: "two days after the opening of the session".

New rules proposed by some members and supported by many members of the Sub-Commission, but not yet formally approved as decisions (as contained in document E/CN.4/Sub.2/1999/2)

22. In paragraph 1 of new rule 3 (Immediate circulation of documents in working languages), the following sentence was added: "No document will be discussed by the Sub-Commission until it is translated into at least the three working languages, unless the Sub-Commission decides otherwise".

General comments

23. On the issue of the nature of the exercise undertaken with respect to the document submitted by Mr. Hatano and the follow-up to be given to it, some participants in the working group felt that that compilation of rules, as revised in the course of the session, should remain a document intended only for the internal use of the Sub-Commission. They also considered that no approval or endorsement of that document should be sought from the Commission on Human Rights and the Economic and Social Council. Reference was made in this connection to rule 24 of the rules of procedure, which expressly provides that those rules should apply to the proceedings of its subsidiary bodies "insofar as they are applicable". It was stated that the present exercise was undertaken exactly in line with rule 24 in order to apply, mutatis mutandis, the rules of the Economic and Social Council to the work of the Sub-Commission. Other participants were, however, of the view that the

document should be submitted to the Commission, and eventually to the Council, for information and possible comments or reaction. One participant was of the view that it would be wise to seek an opinion of the Legal Counsel.

24. The Guidelines for the application by the Sub-Commission on the Promotion and Protection of Human Rights of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto, as revised by the working group, are annexed to the present report.

Annex

GUIDELINES FOR THE APPLICATION BY THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS OF THE RULES OF PROCEDURE OF THE FUNCTIONAL COMMISSIONS OF THE ECONOMIC AND SOCIAL COUNCIL AND OTHER DECISIONS AND PRACTICES RELATING THERETO

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I. SESSIONS

Rule 1 1/ Number of sessions

Unless the Economic and Social Council [the Council] decides otherwise, the Sub-Commission shall hold a session annually.

Rule 2 Date of opening

1. The date of opening of each session of the Sub-Commission shall be fixed by the Council, taking into account any recommendation of the Sub-Commission and in consultation with the Secretary-General.

2. In exceptional cases, the date of opening of a session may be altered by the Secretary-General in consultation with the Committee on Conferences of the General Assembly and, wherever practicable, with the Chairman of the Sub-Commission.

A minute of silence

The Sub-Commission decides, at the opening of each session, a minute of silence in memory of citizens of all nations victims of human rights violations in all parts of the world. [Decision 1982/103, adopted in 1982.]

Rule 3 Place of sessions

The session shall be held at the headquarters of the United Nations, unless another place is designated by the Council, taking into account any recommendation of the Sub-Commission and in consultation with the Secretary-General.

Rule 4 [Deleted] Opening date of sessions

The Secretary-General shall notify the members of the Sub-Commission of the date and place of the first meeting of each session at least [six weeks] in advance.

1/ The term "rule" as used in the text of the present rules is a reference to one of the rules of procedure of the functional commissions of the Economic and Social Council (E/5715/Rev.1). Wherever appropriate, technical changes have been made to the wording of a rule without affecting its substance. References to decisions and practices of the Sub-Commission relating to the rules of procedure appear in smaller print. Proposals, if any, are indicated between square brackets. The guidelines referred to in the text may be found in the annex to resolution 1991/4 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 20 August 1991. Supplements to the guidelines are contained in document E/CN.4/Sub.2/1996/3 as approved by the Sub-Commission in its decision 1996/117.

II. AGENDA

Rule 5 (Drawing up of the provisional agenda)

1. The Secretary-General, in consultation with the Chairman whenever possible, shall draw up the provisional agenda for each session.

2. The provisional agenda shall include all items required by these rules as well as items proposed by:

(a) The Sub-Commission at the previous session;

(b) The General Assembly;

(c) The Economic and Social Council;

(d) The Commission on Human Rights;

(e) The Secretary-General.

2 bis The provisional agenda may include, when the Secretary-General and the Chairman fully agree, such items as proposed by:

(a) A working group of the Sub-Commission;

(b) A member of the Sub-Commission;

(c) A specialized agency, subject to rule 72;

(d) A non-governmental organization, subject to paragraph 4 of this rule.

3. Items proposed for inclusion in the provisional agenda pursuant to paragraph 2 bis shall be submitted with basic documents in sufficient time to reach the Secretary-General not less than seven weeks before the opening of each session.

4. (a) Non-governmental organizations having general consultative status may propose items for the provisional agenda provided that:

(i) An organization that intends to propose such an item shall inform the Secretary-General of such intention at least nine weeks before the opening of the session, and before formally proposing item(s) shall give due consideration to any comments the Secretary-General may make;

(ii) The proposal shall be formally submitted with basic documents not less than seven weeks before the commencement of the session;

(b) An item proposed in accordance with the provisions of this paragraph shall be included in the agenda of the Sub-Commission if it is adopted by a two-thirds majority of the members present and voting.

Rule 6 (Communication of provisional agenda)

1. The Secretary-General shall communicate to all members of the Sub-Commission the annotated provisional agenda, not less than six weeks before the opening of the session.

2. In exceptional circumstances, the Secretary-General may, for reasons to be specified in writing, transmit the basic documentation relating to items of the provisional agenda not less than four weeks before the opening of the session.

Rule 7 (Adoption of the agenda)

The Sub-Commission shall at the beginning of each session, after the election of its officers, in accordance with rule 15, adopt the agenda for that session on the basis of the provisional agenda referred to in rule 5.

Rule 8 (Revision of the agenda)

During a session, the Sub-Commission may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during the session.

Rule 9 (Draft provisional agenda for subsequent session)

At each session of the Sub-Commission, the Secretary-General shall submit a draft provisional agenda for the Sub-Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Sub-Commission to consider the documents from the point of view of their contribution to the work of the Sub-Commission and of their urgency and relevance in the light of the current situation.

III. REPRESENTATION

Rule 10 (Terms of office of members)

Unless the Council decides otherwise, the term of office of members of the Sub-Commission shall begin when they are elected at the election held biennially by the Commission on Human Rights and shall end when they are not elected at the election held four years later by the Commission.

Definition of "member"

In the Sub-Commission, the term "members" is used to mean both "experts and their alternates" and "experts or their alternates", as the case may be.

Rule 11 (Representatives)

[Not applicable to the Sub-Commission.]

Rule 12 (Rights of representatives pending confirmation)

[Not applicable to the Sub-Commission.]

Rule 13 (Alternates)

1. Each member of the United Nations may designate an "alternate" to act in place of an "expert" to be elected together with the "expert" at the election provided for in rule 10. When acting as "expert", the "alternate" so designated shall have the same status as an "expert", including the right to vote.

2. [Not applicable to the Sub-Commission.]

Rights of alternates

1. Alternates may attend all the meetings of the Sub-Commission, both public and private, together with their respective experts.

2. Alternates may be elected as officers only when appropriate experts are not available.

3. Alternates may not replace their respective experts who are acting as the Chairman or Rapporteur, unless the Sub-Commission decides otherwise.

4. Alternates may not take the seats of their respective experts who are on the podium.

5. An alternate may participate in the debate only if the expert is absent. The expert and the alternate shall not take the floor under the same item of the agenda.

6. When a sponsor of a resolution is not present at the time of the vote, but an expert/alternate of the same nationality is present, that sponsorship shall remain valid unless the other expert/alternate of the same nationality expressly renounces it.

Rule 14 (Advisers)

[Not applicable to the Sub-Commission.]

Advisers and assistants

Members may be accompanied by their advisers and/or assistants during the public meetings, if necessary.

IV. OFFICERS

Rule 15 (Election of officers)

At the commencement of the first meeting of a regular session, the Sub-Commission shall elect, from among its members, a Chairman, three Vice-Chairmen, without priority, and a Rapporteur.

Geographical rotation of officers

1. The Chairman will be elected in turns from the five geographical regions in accordance with the following order starting from 2000, unless the Sub-Commission decides otherwise: Eastern Europe, Western Europe and others, Latin America, Asia, Africa.

2. The Rapporteur will be elected from the five geographical regions in accordance with the following order starting from 2000, unless the Sub-Commission decides otherwise: Africa, Asia, Western Europe and others, Eastern Europe, Latin America.

Rule 16 (Term of office)

The officers of the Sub-Commission shall, subject to rule 19, hold office until their successors are elected.

Rule 17 (Acting Chairman)

1. If the Chairman finds it necessary to be absent during a meeting or any part thereof, he shall designate one of the Vice-Chairmen to take his place.

2. If the Chairman ceases to hold office pursuant to rule 19, the remaining officers shall designate one of the Vice-Chairmen to take his place until the election of a new Chairman.

Rule 18 (Powers of the Acting Chairman)

A Vice-Chairman acting as Chairman shall have the powers and duties of the Chairman.

Rule 19 (Replacement of the Chairman or other officers)

If the Chairman or any other officer is unable to carry out his functions or ceases to be a member of the Sub-Commission, he shall cease to hold such office and a new officer shall be elected for the unexpired term.

Rule 20 (Voting rights of the officers)

The Chairman shall have the right to vote.

Voting by officers

1. In the practice of the Sub-Commission, the Chairman will abstain from exercising his voting right when he is chairing the meeting.

2. The Vice-Chairmen not acting as Chairman and the Rapporteur may exercise their voting rights.

V. SUBSIDIARY ORGANS

Rule 21 (Establishment of working groups)

1. During a session, the Sub-Commission may set up such working groups composed of members of the Sub-Commission as are deemed necessary and refer to them any questions on the agenda for study and report.

2. With the prior approval of the Council and in agreement with the Secretary-General such working groups may be authorized to sit while the Sub-Commission is not in session.

3. The members of working groups of the Sub-Commission shall be nominated by the Chairman, at the recommendation of the five geographic regions and subject to the approval of the Sub-Commission.

Geographical distribution of chairmen of working groups

In electing its Chairmen-Rapporteur, each working group shall pay due consideration to the geographical distribution, taking account of the nationalities of the Chairmen-Rapporteurs already elected in other working groups.

Rule 22 (Establishment of Sub-Commissions)

[Not applicable to the Sub-Commission.]

Rule 23 (Officers)

Unless the Sub-Commission decides otherwise, its working groups shall elect their own officers.

Officers of working groups

1. In principle, the working groups are expected to elect a Chairman and a Rapporteur.

2. The working groups, however, may elect, at their own discretion, only one person to serve as Chairman-Rapporteur.

Rule 24 (Rules of procedure)

The rules of procedure of the Sub-Commission shall apply to the proceedings of its working groups insofar as they are applicable.

VI. SECRETARIAT

Rule 25 (Duties of the Secretary-General)

1. The Secretary-General shall act in that capacity in all meetings of the Sub-Commission. He may designate a member of the Secretariat to act as his representative.

2. He shall provide and direct the staff required by the Sub-Commission and be responsible for all the arrangements that may be necessary for its meetings.

3. He shall keep the members of the Sub-Commission informed of any questions that may be brought before it for consideration.

Rule 26 (Duties of the Secretariat)

The Secretariat shall:

(a) Interpret speeches made at meetings;

(b) Receive, translate and circulate documents;

(c) Print, publish and circulate as appropriate the records of the sessions, the resolutions of the Sub-Commission and the required documentation;

(d) Have custody of the documents in the archives; and

(e) Generally perform all other work that may be required.

Rule 27 (Statements by the Secretariat)

The Secretary-General or his representative may, subject to rule 43, make oral as well as written statements to the Sub-Commission concerning any question under consideration.

Rule 28 (Estimate of expenditure)

1. Before a proposal involving the expenditure of United Nations funds is approved by the Sub-Commission, the Secretary-General shall prepare and provide to the Sub-Commission an estimate of the programme budget implications of implementing the proposal. The Chairman shall draw attention to that estimate and invite discussion on it when the proposal is considered by the Sub-Commission.

2. Any programme budget proposal recommended by the Sub-Commission to the Council for its approval, through the Commission on Human Rights, must be stated in terms of the objectives to be achieved.

VII. LANGUAGES

Rule 29 (Official and working languages)

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages, and English, French and Spanish the working languages of the Sub-Commission.

Registration of preference of working languages

The members of the Sub-Commission shall register with the secretariat in which working language they may wish to receive studies, working papers and any other documents.

Rule 30 (Interpretation)

1. Speeches made in an official language shall be interpreted into the other official languages.

2. A speaker may speak in a language other than an official language if he provides for interpretation into one of the official languages. Interpretation into the other official languages by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 31 (Languages of records)

Records shall be drawn up in the working languages. A translation of the whole or part of any record into any of the other official languages shall be furnished if requested by a member.

Rule 32 (Languages of resolutions and other formal decisions)

All resolutions, recommendations and other formal decisions of the Sub-Commission shall be made available in the official languages.

VIII. RECORDS AND REPORTS

Rule 33 (Sound recordings of meetings)

Sound recordings of meetings of the Sub-Commission shall be made and kept by the Secretariat. Such recordings may also be made and kept of the meetings of working groups if so decided by the Sub-Commission.

Rule 34 (Summary records of meetings)

No summary records of meetings of the Sub-Commission or its working groups shall be provided, unless these have been specifically authorized by the Council.

Rule 35 (Records of public meetings)

1. Summary records of the public meetings of the Sub-Commission and its working groups, where authorized and required, shall be prepared by the Secretariat. They shall be distributed as soon as possible to all members of the Sub-Commission or of the working groups, and to any other participants in the meeting, who may, within one week of their receipt, submit corrections to the Secretariat; in special circumstances, the presiding officer may, in consultation with the Secretary-General, extend the time for submitting corrections. Any disagreement concerning such corrections shall be decided by the presiding officer of the body to which the record relates, after

consulting, where necessary, the sound recordings of the proceedings. Corrections will be consolidated in a single corrigendum to be issued after the end of the session.

2. The summary records and the consolidated corrigendum thereto shall be distributed promptly to the Members of the United Nations and to the specialized agencies. On publication, these records may be consulted by the public.

Rule 16 (Records of private meetings)

The records of private meetings of the Sub-Commission shall be distributed promptly to the members of the Sub-Commission. They shall be made available to other Members of the United Nations upon decision of the Sub-Commission. They may be made public at such time and under such conditions as the Sub-Commission may decide.

Rule 17 (Report to the Commission)

The Sub-Commission shall submit to the Commission on Human Rights a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Commission. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Commission.

Rule 18 (Communication of formal decisions and reports)

As soon as possible, the text of the formal decisions and reports adopted by the Sub-Commission shall be distributed to all members of the Sub-Commission and to any other participants in the session. The printed text of such decisions and reports shall be distributed as soon as possible after the close of the session to the Members of the United Nations, to the specialized agencies, to the intergovernmental organizations referred to in rule 74 and to the concerned non-governmental organizations having general or special consultative status or on the Roster.

IX. PUBLIC OR PRIVATE MEETINGS

Rule 19 (General principle)

Unless the Sub-Commission decides otherwise its meetings shall be held in public.

Private meetings

The Sub-Commission considers the "1503 procedure" in private meetings in accordance with paragraph 5 of Council resolution 1503 (XLVIII).

Holding a private meeting

The Sub-Commission may at any time decide to hold a private meeting when such a private meeting may facilitate an exchange of views among its members.

X. CONDUCT OF BUSINESS

Rule 40 (Quorum)

A majority of the members of the Sub-Commission shall constitute a quorum.

Schedule of meetings

In accordance with an established practice, meetings not devoted to the adoption of resolutions and decisions shall begin at the scheduled time. However, if a member so requests, the meeting may not be called to order until there is a quorum.

[Guideline No. 13]

Rule 41 (General powers of the Chairman)

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the Chairman shall declare the opening and closing of each meeting of the Sub-Commission, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman, subject to these rules, shall have complete control of the proceedings of the Sub-Commission and over the maintenance of order at its meetings. He shall rule on points of order. He may propose to the Sub-Commission the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

2. The Chairman, in the exercise of his functions, remains under the authority of the Sub-Commission.

Rule 42 (Points of order)

1. During the discussion of any matter, a member may at any time raise a point of order, which shall be decided immediately by the Chairman in accordance with these rules. A member may appeal against the ruling of the Chairman. The appeal shall be immediately put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority of the members present and voting.

2. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Interruption of a point of order

A member may not raise a point of order in such a way as to interrupt the presentation of another member's point of order, unless, subject to the appreciation of the Chairman, the member who asked for the point of order first is speaking on the substance of the matter under discussion.

Rule 43 (Speeches)

1. No one may address the Sub-Commission without having previously obtained the permission of the Chairman. Subject to rules 42, 45 and 48 to 50, the Chairman shall call upon speakers in the order in which they signify their desire to speak.

2. Debate shall be confined to the question before the Sub-Commission and the Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

3. The Sub-Commission may limit the time allowed to speakers and the number of times each member may speak on any question; permission to speak on a motion to set such limits shall be accorded only to two members favouring and to two opposing such limits, after which the motion shall be put to the vote immediately. Interventions on procedural questions shall not exceed five minutes unless the Sub-Commission decides otherwise. When debate is limited and a speaker exceeds the allotted time, the Chairman shall call him to order without delay.

Absence of speakers

Once the list of speakers on any particular item has been established, those observers who are not present in the meeting when their names are called by the Chairman may lose the right to speak on the agenda item under consideration, unless otherwise decided by the Sub-Commission.

Regulation of statements

Under the agenda item "human rights situations", non-governmental organization (NGO) observers might be requested to speak, in accordance with the Chairman's instruction, not in the order in which they inscribed their names in the speakers' list, but together with other NGOs wishing to speak on the human rights situation in the same country.

Order of statements

1. Members of the Sub-Commission, at any time;

2. Observers for intergovernmental and non-governmental organizations;

3. Government observers.

[Guideline No. 14]

List of speakers

1. The list of speakers shall be opened at the beginning of the session for all items on the agenda. The closure of the list for each agenda item shall be announced as the work proceeds.

2. If, during a meeting, there are no more speakers on the agenda item, the next item shall be introduced without the discussion on the preceding item being closed.

[Guideline No. 15]

Speaking time

At the beginning of each session, the Chairman shall invite participants to respect the speaking time allocated for each agenda item in accordance with the following rules, unless the Bureau decides otherwise:

(a) Members of the Sub-Commission:

(i) Twenty minutes maximum, which may be divided into one or several statements;

(ii) Thirty-five minutes maximum, for the presentation of a study or a working paper, to be divided by the author between explanatory remarks and the conclusion;

(b) Non-governmental observers: 10 minutes maximum (and 16 minutes in total if the item contains several sub-items or in the case of a joint statement);

(c) Government observers:

(i) Ten minutes maximum (and 14 minutes in total if the item contains several sub-items);

(ii) Five minutes maximum in connection with a right of reply or three minutes maximum in connection with a second right of rejoinder, as the case may be;

(iii) Five minutes maximum for a statement to be exercised immediately before voting on a resolution when the country is implicated. A government observer of such implicated country may make a statement immediately after voting instead of before voting. [Chairman's ruling during the forty-eighth session in 1996].

[Guideline No. 16]

Statements on "human rights situations"

1. Speaking time

(a) Maximum speaking time under the agenda item "human rights situations" shall, for all observers, be determined by dividing equally the time allocated to observers by the number of speakers who have signed up before the closure of the list. The closure should be set at 18.00 hours on the day before the opening of debate on that agenda item. Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker can be extended. Four meetings shall be allocated for the presentations by the observers referred to above;

(b) This supplementary guideline under (a) also applies to government observers who wish to provide information on human rights developments in their countries, provided they have signed up before the closure of the list mentioned. Under the agenda item "human rights situations", governmental observers shall not address the human rights situations in countries other than their own;

(c) Speaking time for government observers exercising the right of reply is additional to time used by that observer under (b) and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant the allocation of more time, to be decided by the Chairman at the request of the observer concerned. The right of reply shall normally be exercised after the exhaustion of the list of speakers mentioned under (a), but can, in exceptional circumstances with the permission of the Chairman, be exercised earlier.

2. Allocation of time and sequences of speakers

The allocation of time under the agenda item "human rights situations" shall be based on the principle that observers on the list mentioned under points 1 (a) and (b) speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to the statements made by the members of the Sub-Commission.

[Supplement to guideline No. 16]

Limitations on statements

1. An NGO observer may not speak twice under the same agenda item, even if he represents more than one NGO.

2. Once an observer has raised a particular issue on a human rights situation under one agenda item, he may not raise the same issue under another agenda item.

Rule 44 (Closing of list of speakers)

During the course of a debate the Chairman may announce the list of speakers and, with the consent of the Sub-Commission, declare the list closed. When there are no more speakers, the Chairman shall, with the consent of the Sub-Commission, declare the debate closed. Such closure shall have the same effect as closure by decision of the Sub-Commission.

List of speakers

1. The closure of the list for each agenda item shall be announced as the work proceeds.

2. If, during a meeting, there are no more speakers on an agenda item, the next item shall be introduced without the discussion on the preceding item being closed.

[Guideline No. 15]

Closure of speakers' list on "human rights situations"

The closure of the list of speakers should be set at 18.00 hours on the day before the opening of the agenda item "human rights situations".

[Supplement to guideline No. 16]

Rule 45 (Right of reply)

The right of reply shall be accorded by the Chairman to any government observer who requests it. Government observers should attempt, in exercising this right, to be as brief as possible and preferably to deliver their statements at the end of the meeting at which this right is requested.

Timing for the right of reply

1. The right of reply shall normally be exercised after the exhaustion of the list of speakers but can, in exceptional circumstances with the permission of the Chairman, be made earlier.

2. The allocation of time under the agenda item "human rights situations" shall be based on the principle that observers on the list of speakers speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to statements made by members of the Sub-Commission.

[Supplement to guideline No. 16]

Rule 46 (Congratulations)

Congratulations to the newly elected officers shall be expressed only by the outgoing Chairman or one of the Vice-Chairmen designated by the outgoing Chairman.

Further congratulations

Further congratulations should be avoided and/or abbreviated, insofar as possible.

Rule 47 (Condolences)

Condolences shall be expressed solely by the Chairman on behalf of all members. The Chairman, with the agreement of the Sub-Commission, may dispatch a message on behalf of all members of the Sub-Commission.

Rule 48 (Suspension or adjournment of the meeting)

During the discussion of any matter, a member may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall be put to the vote immediately.

Rule 49 (Adjournment of debate)

A member may at any time move the adjournment of the debate on the item under discussion. Permission to speak on the motion shall be accorded only to two members favouring and to two opposing the adjournment, after which the motion shall be put to the vote immediately.

Rule 50 (Closure of debate)

A member may at any time move the closure of the debate on the item under discussion, whether or not any other member has signified his wish to speak. Permission to speak on the motion shall be accorded only to two members opposing the closure, after which the motion shall be put to the vote immediately.

Rule 51 (Order of motions)

Subject to rule 42, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) To close the debate on the item under discussion.

Rule 52 (Submission of proposals and substantive amendments)

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General. Unless the Sub-Commission decides otherwise, proposals and substantive amendments shall be discussed or put to the vote no earlier than 24 hours after copies have been circulated to all members.

Rule 53 (Withdrawal of proposals and motions)

A proposal or a motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any member.

Rule 54 (Decisions on competence)

A motion calling for a decision on the competence of the Sub-Commission to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Rule 55 (Reconsideration of proposals)

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Sub-Commission so decides. Permission to speak on a motion to reconsider shall be accorded only to two members opposing the motion, after which it shall be put to the vote immediately.

XI. VOTING AND ELECTIONS

Rule 56 (Voting rights)

Each member of the Sub-Commission shall have one vote.

Rule 57 (Request for a vote)

A proposal or motion before the Sub-Commission for decision shall be voted upon if any member so requests. When no member requests a vote, the Sub-Commission may adopt proposals or motions without a vote.

Rule 58 (Majority required)

1. Except as provided in rule 5 (4) (ii), decisions of the Sub-Commission shall be made by a majority of the members present and voting.

2. For the purpose of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

Rule 59 (Method of voting)

1. Except as provided in rule 66, the Sub-Commission shall normally vote by show of hands, except that a member may request a roll-call which shall be taken in the English alphabetical order of the names of the members of the Sub-Commission, beginning with the member whose name is drawn by lot by the Chairman. The name of each member shall be called in all roll-calls, and he shall reply "yes", "no" or "abstention".

2. The vote of each member participating in any roll-call shall be inserted in the record.

Secret ballot

1. The Sub-Commission decided to suspend rule 59, pursuant to rule 78, in order to vote by secret ballot on proposals under the agenda item on the 1503 procedure, for the purpose of protecting the independence of the members. [decisions 1989/101, 1990/111]

2. The Sub-Commission decided, pursuant to Council resolution 1991/32, to vote by secret ballot whenever a vote was requested on proposals pertaining to allegations of violations of human rights in countries, under any agenda item, including proposals of a procedural nature relating to proposals of a substantive nature. [decision 1998/102]

Rule 60 (Explanation of vote)

Members may make brief statements consisting solely of the explanation of their votes, before the voting has commenced or after the voting has been completed. The member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

No explanation of vote on secret ballot

It has been an established practice as well as a logical consequence that members may not speak in explanation of vote, either before or after voting, when the vote is made by secret ballot.

Rule 61 (Conduct during voting)

After the Chairman has announced the commencement of voting, no member may interrupt the voting except on a point of order in connection with the actual process of voting.

Rule 62 (Division of proposals and amendments)

Parts of a proposal or an amendment shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal or the amendment which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal or an amendment have been rejected, the proposal or amendments shall be considered to have been rejected as a whole.

Rule 63 (Amendments)

An amendment is a proposal that does no more than add to, delete from or revise part of another proposal.

Rule 64 (Order of voting on amendments)

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

Rule 65 (Order of voting on proposals)

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Sub-Commission decides otherwise, be voted on in the order in which they were submitted. The Sub-Commission may, after each vote on a proposal, decide whether to vote on the next proposal.

2. A motion requiring that no decision be taken on a proposal shall have priority over that proposal.

Rule 66 (Elections)

All elections shall be held by secret ballot, unless, in the absence of any objection, the Sub-Commission decides to proceed without taking a ballot on an agreed candidate or slate.

Rule 67 (Elections) (2)

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places.

Rule 68 (Equally divided votes)

If a vote is equally divided on a matter other than an election, the proposal or motion shall be regarded as rejected.

XII. PARTICIPATION OF NON-MEMBERS OF THE SUB-COMMISSION

Rule 69 (Participation of States)

1. The Sub-Commission shall invite any Member of the United Nations and any other State to send its representatives to the public meetings of the Sub-Commission as government observers.

2. A working group of the Sub-Commission shall invite any State to send its representatives to the public meetings of the working group as government observers.

3. A State thus invited shall not have the right to vote.

Rule 70 (Participation of national liberation movements)

The Sub-Commission may invite any national liberation movement recognized by or in accordance with resolutions of the General Assembly to send its representative to public meetings of the Sub-Commission as observers without the right to vote.

Rule 71 (Participation of specialized agencies)

In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled:

(a) To be represented at public meetings of the Sub-Commission and its working groups;

(b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them.

Rule 72 (Consultation with specialized agencies)

Before the Secretary-General places an item proposed by a specialized agency on the provisional agenda of the Sub-Commission, he shall carry out with the agency concerned such preliminary consultation as may be necessary.

Rule 72 (Consultation with specialized agencies)

1. Where an item proposed for inclusion in the provisional agenda for a session or added to the agenda under rule 8 contains a proposal for new activities to be undertaken by the United Nations relating to matters that are of direct concern to one or more specialized agencies, the Secretary-General shall enter into consultation with the agencies concerned and report to the Sub-Commission on the means of achieving a coordinated use of the resources of the respective agencies.

2. When in the course of a meeting of the Sub-Commission a proposal for new activities to be undertaken by the United Nations related to matters that are of direct concern to one or more specialized agencies, the Secretary-General shall, after such consultation as may be possible with the representatives of the agencies concerned, draw the attention of the Sub-Commission to the implications of the proposal.

3. Before deciding on proposals referred to above, the Sub-Commission shall satisfy itself that adequate consultations have taken place with the agencies concerned.

Rule 74 (Participation of other intergovernmental organizations)

Representatives of intergovernmental organizations accorded permanent observer status by the General Assembly and of other intergovernmental organizations designated on a continuing basis by the Council or invited by the Sub-Commission may participate, without the right to vote, in the deliberations at the public meetings of the Sub-Commission on questions within the scope of the activities of the organizations.

XIII. CONSULTATION WITH AND REPRESENTATION OF NON-GOVERNMENTAL ORGANIZATIONS

Rule 75 (Representation)

Non-governmental organizations having general or special consultative status may designate authorized representatives to sit as observers at public meetings of the Sub-Commission and its working groups. Those on the Roster may have representatives present at such meetings when matters within their field of competence are being discussed.

Rule 76 (Consultation)

1. The Sub-Commission may consult with organizations having general or special consultative status either directly or through a committee or committees established for the purpose. In all cases, such consultations may be arranged on the invitation of the Sub-Commission or at the request of the organization.

2. On the recommendation of the Secretary-General and at the request of the Sub-Commission, organizations on the Roster may also be heard by the Sub-Commission.

XIV. AMENDMENT AND SUSPENSION OF RULES OF PROCEDURE

Rule 77 (Method of amendment)

Only the Council may amend these rules.

Rule 78 (Method of suspension)

A rule of procedure may be temporarily suspended by the Sub-Commission provided that such suspension shall not be inconsistent with any applicable decisions of the Council and provided that 24 hours' notice of the proposal for suspension has been given, which may be waived if no member objects. Any such suspension shall be limited to a specific purpose and to a period required to achieve that purpose.

XV. PREPARATION OF STUDIES AND SUBMISSION OF DOCUMENTS

Regulation of the number of studies

1. When the number of ongoing studies entrusted to special rapporteurs reaches 13, no new study may be undertaken unless a previously authorized study has been completed, except when it has been requested directly by the Commission.

2. Any study whose final report has been submitted to the Sub-Commission for consideration, even if it is subsequently decided that it may be updated annually, for example, in the form of a periodic report, is considered to have been completed.

3. When the number of studies proposed for a decision exceeds 13, the members of the Sub-Commission should hold consultations in order to establish priorities.

[Guideline No. 1]

Document preliminary to the studies

1. No new study may be undertaken unless a document entitled "preparatory document" has been submitted. Such a document should indicate, inter alia, the relevance of the study, including its timeliness, its object and the general outlines envisaged as well as a draft timetable. It should take the form of a working paper a few pages in length, submitted if possible in the course of the session of the Sub-Commission during which the study is proposed.

2. The preparation of a preparatory document shall in no way prejudge the decision finally taken concerning the execution of the study or the person finally designated to carry it out.

[Guideline No. 2]

Duration of studies

1. Unless there are special circumstances connected with the nature of the subject under study, the period of time for carrying out a study should be three years from the time of its authorization. It should comprise, in addition to the preparatory document, the following three phases: a preliminary report, a progress report and a final report.

2. If at any time during his mandate the special rapporteur considers that, as a result of the difficulties encountered by him, he will need more than three years to complete his study, he should submit the question to the Sub-Commission for consideration in the context of the open debate on the agenda item in question.

[Guideline No. 3]

Appointment of special rapporteurs

1. The specialized knowledge of the various members of the Sub-Commission should be taken into account when appointing special rapporteurs, due regard being had for equitable geographical distribution. The members of the Sub-Commission should hold consultations during the session to coordinate the topics of new studies and the appointment of the experts who will be responsible for them. To this end, the Rapporteur of the Sub-Commission shall be entrusted with the task of collecting proposals for studies that are made during the session and informing the Sub-Commission in due time, for the purpose of agreeing and deciding on them.

[Guideline No. 4]

2. No alternate should undertake a study if an expert is willing to do so.

Appointment of commentators

1. The author of the study may appoint a maximum of two members of the Sub-Commission as commentators in order to undertake an in-depth analysis of the study, in liaison with its author, so as to be better able to draw the attention of the Sub-Commission, during its deliberations, to points that seem important or controversial.

2. When such an appointment is envisaged, it is desirable that it should take place at the session preceding the submission of the study or not later than the beginning of the session at which the study is submitted.

3. Such an appointment should in no way limit the right of any member of the Sub-Commission to comment, at any time under the agenda item being discussed, on the report submitted for consideration.

[Guideline No. 5]

List of studies

In accordance with established practice and in compliance with paragraph 3 of Commission resolution 1982/23, the Sub-Commission shall annex to its annual report an updated list of completed or ongoing studies containing the following information bearing appropriate symbol numbers:

(a) Title of the study;

(b) Name of the author;

(c) Legislative authority;

(d) Timetable for the study;

(e) Effective date of presentation of the preliminary, interim (progress) or final report. No change.

[Guideline No. 6]

Follow-up of studies

The secretariat shall inform the Sub-Commission, at each session, of the follow-up action on studies, in the form of a note indicating for each study the following points:

(a) Title of the study, specifying, if necessary, whether or not the report is updated annually (periodic report);

(b) Name of the author;

(c) Reference to the decisions concerning the budgetary implications and an indication of the total amount; for each of these decisions, the total amount of the appropriations actually used after the completion of the appropriate phase of the study;

(d) Summary of the most recent recommendation made by the author of the study, follow-up given to these recommendations, in respect of the rules, measures or practices adopted by the secretariat, by Governments, by the specialized agencies or by the institutions or non-governmental organizations concerned.

[Guideline No. 7]

Time limit for the submission of documents

1. Special rapporteurs and other members who were entrusted with the task of preparing studies, working papers and any other documents for submission to the Sub-Commission shall submit them to the secretariat at the latest 10 weeks prior to the session.

2. Studies, working papers and any other documents not submitted by the above time limit may not be considered at the next session unless the Sub-Commission decides otherwise.

Immediate circulation of documents in working languages

1. As soon as studies, working papers and any other documents become ready for circulation in all working languages, the secretariat shall send them immediately to the members of the Sub-Commission in accordance with their preference of languages registered with the secretariat. No document will be discussed by the Sub-Commission until it is translated at least into the three working languages, unless the Sub-Commission decides otherwise.

2. The secretariat shall send to the members of the Sub-Commission the following documents at the latest four weeks prior to the session:

(a) The annotated agenda and other documents related to the session;

(b) Studies, working papers and any other documents submitted to the secretariat at the latest 10 weeks prior to the session.

XVI. RESOLUTIONS AND DECISIONS

Number of resolutions and decisions

In order to permit a better assessment of trends with regard to the number of resolutions and decisions and to promote self-discipline for the purpose of reducing their number, the secretariat shall provide, at each session of the Sub-Commission, a comparative table for the previous three years showing the number of resolutions and decisions considered by category, as follows:

(a) Resolutions and decisions concerning the Sub-Commission alone;

(b) Resolutions and decisions submitted to the Commission on Human Rights for action or adoption, stating how many of them are also to be submitted to the Council for adoption;

(c) Resolutions of whatever category concerning the human rights situations in a given country;

(d) Resolutions and decisions concerning the submission of studies;

(e) Resolutions and decisions whose adoption was deferred or which were withdrawn;

(f) Solemn and consensus statements by the Chairman;

(g) Documents stating the financial implications of resolutions and decisions submitted in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Council.

[Guideline No. 8]

Consultation

If the total number of intended resolutions and/or decisions risks being too high, the Chairman will consult with those members who intend to submit more than one resolution and/or decision so that a balance may be maintained among the members.

Co-sponsors

If, when a draft resolution or decision is being submitted, the Chairman notes that the signatures of at least four co-sponsors have not been obtained, he may, in consultation with the officers, invite the author or, if appropriate, the co-sponsors, to withdraw their draft. If the author or a single co-sponsor objects, the draft shall be kept on the agenda.

[Guideline No. 10]

Consultations by the Chairman

Either during consultations prior to the submission of a draft resolution or decision or after its registration with the secretariat, the Chairman, after consultation with the officers, shall ascertain whether it would be appropriate to invite all the parties involved in such consultations to replace the draft resolution or decision with a solemn and consensus declaration by the Chairman meeting their approval and which would appear in extenso in the report of the Sub-Commission and in the summary record.

[Guideline No. 11]

Deadline for submission of draft resolutions or decisions

Without prejudice to the provisions of rule 52 of the rules of procedure of the functional commissions of the Council, draft resolutions and decisions should be submitted at least three working days before the date of which they are scheduled to be put to a vote. This deadline should be set at four days in cases involving financial implications.

[Guideline No. 12]

XVII. AGENDA ITEM ON HUMAN RIGHTS SITUATIONS

Speaking time

(a) As a guideline supplemental to guideline No. 16, maximum speaking time under the agenda item "human rights situations" shall, for all observers, be determined by dividing equally the time allocated to observers by the number of speakers who have signed up before the closure of the list. The closure should be set at 18.00 hours on the day before the opening of the agenda item "human rights situations". Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker can be extended. Four meetings shall be allocated for the presentations by the observers referred to above;

(b) The rule under (a) also applies to government observers who wish to provide information on human rights developments in their country, provided they have signed up before the closure of the list mentioned. Government observers should normally avoid, under the agenda item "human rights situations", the human rights situations in countries other than their own;

(c) Speaking time for government observers exercising the right of reply is additional to time used by that observer under (b) and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant the allocation of more time, to be decided by the Chairman at the request of the observer concerned. The right of reply shall normally be exercised after the exhaustion of the list of speakers mentioned under (a), but can, in exceptional circumstances with the permission of the Chairman, be exercised earlier.

[Supplement to guideline No. 16]

Allocation of time and sequences of speakers

The allocation of time under the agenda item "human rights situations" shall be based on the principle that observers on the list mentioned under point 1 (a) speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to the statements made by the members of the Sub-Commission.

Non-participation of experts concerned

When examining a situation which appears to reveal a pattern of gross and consistent violations of human rights in a country of which an expert of the Sub-Commission is a national, it would be desirable that the expert concerned not participate in the debates. The ultimate decision on whether or not such expert will intervene in the public discussion remains the responsibility of the expert concerned. [Note by the Chairman: E/CN.4/Sub.2/1998/38, para. 28]

Timing for consideration of "human rights situations"

The Sub-Commission decided that it would continue the practice of considering the agenda item on "human rights situations" two days after the opening of the session.

XVIII. AGENDA ITEM ON 1503 PROCEDURE

Private meetings

The Council decided that consideration of the procedure provided for in its resolution 1503 (XLVIII) shall be made in private meetings.

Secret ballot

The Sub-Commission decided to suspend rule 59, pursuant to rule 78, in order to vote by secret ballot on proposals under the agenda item on the 1503 procedure, for the purpose of protecting the independence of the members. [decisions 1989/101, 1990/111]

Inapplicability of 1503 procedure

The Sub-Commission decided to concur with the view expressed by the Working Group on Communications that the procedure governed by Council resolution 1503 (XLVIII) could not be applied as a reparation or relief mechanism in respect of claims of compensation for human suffering or other losses which occurred during the Second World War. [decision 1991/104]

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Fifty-first session
Item 12 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Note by the Secretary-General

1. Pursuant to Sub-Commission resolution 5 (XIV), the present note reviews developments between 1 June 1998 and 1 June 1999 in fields with which the Sub-Commission has been previously concerned. It supplements those questions which are dealt with in the annotations to the provisional agenda for the fifty-first session of the Sub-Commission (E/CN.4/Sub.2/1999/1/Add.1).

I. INTERNATIONAL COVENANTS ON HUMAN RIGHTS

2. As at 1 June 1999, 137 States had ratified, acceded or succeeded to the International Covenant on Economic, Social and Cultural Rights. As at the same date 144 States had ratified, acceded or succeeded to the International Covenant on Civil and Political Rights and 95 States had ratified or acceded to the Optional Protocol to the latter Covenant. On 5 January 1999, the Government of Guyana notified the Secretary-General of its decision to denounce the Optional Protocol. In accordance with article 12 of the Protocol, the denunciation of Guyana took effect on 5 April 1999. Additionally, the Government of Guyana submitted an instrument of reaccession to the Protocol with reservations on 5 January 1999, which took effect on 5 April 1999, the same day as its denunciation. With respect to article 41, paragraph 1, of the International Covenant on Civil and Political Rights, 45 States had made the declaration envisaged under that provision of the Covenant.

Human Rights Committee

3. At its sixty-third, sixty-fourth and sixty-fifth sessions, held in July and October-November 1998 and March-April 1999 respectively, the Committee considered 16 reports submitted by States parties under article 40 of the International Covenant on Civil and Political Rights.

4. At the three sessions, the Committee also adopted 31 views under article 5, paragraph 4 of the Optional Protocol to the Covenant, 15 decisions declaring complaints admissible and 16 decisions declaring complaints inadmissible. Five cases were discontinued without the Committee issuing a formal decision.

5. A report on the Committee's sixty-first to sixty-third sessions was submitted to the General Assembly at its fifty-third session (A/53/40) and a report on its sixty-fourth to sixty-sixth sessions will be submitted to the General Assembly following the Committee's sixty-sixth session in July 1999.

Committee on Economic, Social and Cultural Rights

6. At its nineteenth and twentieth sessions, held in November-December 1998 and in April-May 1999 respectively, the Committee considered reports submitted by nine States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, as well as the situation in one country in the absence of a report from that State party. The Committee subsequently adopted its concluding observations thereon.

7. At its nineteenth session, on 30 November 1998, the Committee devoted a day of general discussion to the right to education as enshrined in articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights. Representatives of United Nations organs and specialized agencies (UNESCO, UNICEF and UNDP), individual experts and representatives of NGOs attended the meeting as participants. Numerous observers also followed the debate. A considerable number of background papers were made available to Committee experts (E/C.12/1998/11 and 13-23). At the invitation of the Committee, Ms. Katarina Tomasevski, the Special Rapporteur of the Commission on Human Rights on the right to education and Mr. Mustapha Mehedi, a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities participated in the day of general discussion.

8. The debate covered the following topics:

Education as a human right and the right to education in relation to indivisibility of human rights;

Cooperation among specialized agencies and organs of the United Nations, including the human rights treaty bodies; partnership to realize the right to education;

Relevance of the normative approach;

Core content of the right to education;

Nature of States' obligations, indicators and benchmarks;

Financial aspects.

9. Given the importance of the issues discussed, the Committee requested the Office of the High Commissioner for Human Rights (OHCHR) to consider the possibility of organizing a workshop to identify key right to education benchmarks and indicators which might be utilized by the Committee and by other United Nations treaty bodies and human rights organs, and United Nations specialized agencies and programmes. The workshop participants should include representatives of the Committee, the Committee on the Rights of the Child, CEDAW, CERD, the Human Rights Committee, the Commission on Human Rights and its Sub-Commission, UNESCO, UNICEF, WHO, UNDP and the World Bank. The Committee considered that such a workshop might be the first of a series of meetings designed to identify key benchmarks and indicators in relation to each of the rights in the Covenant.

10. At its twentieth session, the Committee, following up on a decision taken at its previous session within the framework of its day of general discussion on the right to education, by which it recommended that OHCHR consider the possibility of organizing a workshop on indicators for the right to education, discussed and adopted a "Proposal for a workshop on indicators, benchmarks and the right to education."

11. In response to a letter from the President of the Economic and Social Council transmitting Council decision 1998/293 for the Committee's consideration and action, the Committee reconsidered its requests (draft decisions I-IV) made during its sixteenth session in 1996. It resolved to proceed with only one request, to which it accorded the highest priority - to be granted a third regular session per year - and recommended a draft decision to the Economic and Social Council for adoption at its substantive session of 1999.

12. Also at its nineteenth session, the Committee adopted General Comments No. 9 (1998) on the domestic application of the Covenant and No. 10 (1998) on the role of the national human rights institutions in the protection of economic, social and cultural rights. At its twentieth session, as a follow-up to the days of general discussion on the right to education and on the right to food, the Committee adopted General Comments No. 11 on plans of action for primary education (article 14 of the Covenant) and No. 12 on the right to adequate food (article 11 of the Covenant).

13. The Committee's report on its eighteenth and nineteenth sessions (E/1999/22-E/C.12/1998/26) and extracts from the Committee's report on its twentieth session will be before the Economic and Social Council at its substantive session in July 1999.

II. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

14. As at 1 June 1999, 154 States had adhered to the International Convention on the Elimination of All Forms of Racial Discrimination.

Committee on the Elimination of Racial Discrimination

15. During its fifty-third and fifty-fourth sessions, held in August 1998 and March 1999 respectively, the Committee considered reports submitted by 22 States parties to the Convention, three of which were special reports. Additionally, the Committee reviewed the application of the Convention in two States parties whose reports were seriously overdue. Under its early-warning and urgent procedures, the Committee adopted six decisions at its fifty-third session and five decisions at its fifty-fourth session.

16. The Committee discussed the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at each of its sessions. At its fifty-third session, the Committee adopted decision 9 (53), in which it indicated its preliminary ideas concerning topics that could be included in the agenda of the World Conference. The Committee also adopted two organizational decisions: decision 7 (53), in which it requested that one of its two annual sessions be extended by five working days, and decision 8 (53), in which it requested that it be permitted to hold its winter sessions in New York annually.

General Assembly

17. A report on the Committee's fifty-second and fifty-third sessions was submitted to the General Assembly at its fifty-third session (A/53/18) and a report on the Committee s fifty-fourth and fifty-fifth sessions will be submitted to the General Assembly at its fifty-fourth session following the Committee's fifty-fifth session in August 1999.

18. At its fifty-third session, the General Assembly adopted resolution 53/131, of 9 December 1998, concerning the report of the Committee on the Elimination of Racial Discrimination, in which it called upon all States that had not yet ratified or acceded to the Convention to do so as soon as possible; requested the Secretary-General to invite all States parties that were in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention; commended the Committee for its continuing contribution to the prevention of racial discrimination; and welcomed and encouraged the cooperation and exchange of information of the Committee with relevant structures and mechanisms of the United Nations, including with the Office of the United Nations High Commissioner for Human Rights. The Assembly also expressed its concern at the number of reports that were overdue and encouraged the United Nations Secretariat to extend technical assistance to those States whose reports were seriously overdue, upon their request, for the preparation of reports.

19. The Assembly took note of the initial suggestion made by the Committee in its decision 9 (53) regarding the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and invited the Committee to give high priority to the preparatory process for the World Conference.

20. The Assembly also took note of Committee decisions 7 (53) and 8 (53) regarding organizational matters and decided to extend, on a temporary basis, the Committee's summer session of 1999 and 2000 by five working days and to consider the two decisions further at its fifty-fifth session.

Commission on Human Rights

21. At its fifty-fifth session, the Commission on Human Rights adopted resolution 1999/78 on 28 April 1999, in which it addressed, inter alia, the International Convention on the Elimination of Racial Discrimination. The Commission on Human Rights appealed to States that had not yet done so to consider ratifying or acceding to the Convention; recommended that the issue of universal ratification of the Convention, as well as reservations thereto, and the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints be considered at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; called upon States parties that had not submitted initial or periodic reports in accordance with article 9 of the Convention to do so; urged States parties to limit the extent of any reservations they lodged to the Convention; called upon States parties to the Convention to adopt immediately positive measures aimed at the elimination of all forms of racial discrimination, xenophobia and related intolerance; requested States parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention; and invited States parties to ratify the amendment to article 8 of the Convention dealing with the financing of the Committee.

22. The Commission also took note of decision 9 (53), which contains the Committee's initial suggestions on topics that could be included in the agenda for the World Conference, and of the six studies prepared by individual Committee members and submitted to the sessional open-ended working group to review and formulate proposals for the World Conference. The Commission on Human Rights again invited the Committee on the Elimination of Racial Discrimination to participate actively in the preparatory process for the World Conference.

III. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

23. As at 1 June 1999, the Convention had been ratified or acceded to by 114 States.

Committee against Torture

24. The Committee submitted a report on its nineteenth and twentieth sessions to the General Assembly at its fifty-third session (A/53/44). At its twenty-first and twenty-second sessions, held from 9 to 20 November 1998 and from 26 April to 14 May 1999, respectively, the Committee against Torture considered 16 reports submitted by the States parties under article 19 of the Convention. It also continued in closed meeting its activities under article 20 (inquiries) and 22 (individual communications) of the Convention. At its two sessions, the Committee considered a total of 19 communications. It took decisions to declare four communications admissible and three inadmissible. In addition, the Committee adopted views in respect of 11 communications and discontinued 18 communications. A report on the Committee's twenty-first and twenty-second sessions will be submitted to the General Assembly at its fifty-fourth session.

IV. CONVENTION ON THE RIGHTS OF THE CHILD

25. At its nineteenth, twentieth and twenty-first sessions, held in September-October 1998 and January and May-June 1999 respectively, the Committee considered 11 initial and 5 periodic reports submitted under article 44 of the Convention on the Rights of the Child.

26. During its nineteenth session, the Committee decided to devote one day of discussion to the issue of children living in a world with HIV/AIDS. Representatives of United Nations bodies, specialized agencies and other competent bodies, including non-governmental organizations, and children contributed to the discussion and provided expert advice.

27. At its twentieth session, taking into account the commemoration of the tenth anniversary of the adoption by the General Assembly of the Convention on the Rights of the Child in 1989, the Committee exceptionally decided to postpone its next thematic debate to 2000 and instead agreed to co-organize, with the Office of the High Commissioner for Human Rights, a two-day meeting entitled "The Convention on the Rights of the Child: a decade of achievements and challenges". The meeting is scheduled to take place during the Committee's twenty-second session, on 30 September and 1 October 1999.

28. The working group on the rights of children with disabilities, established as an outcome of the day of general discussion on children with disabilities (1997), held its first and second meetings respectively on 23 and 24 January and on 29 and 30 May 1999. A member of the Committee attended both meetings.

General Assembly

29. At its fifty-third session, the General Assembly, in its resolution 53/128 took note of the report of the Committee on the Rights of the Child and recognized its important role in creating awareness of the Convention and providing recommendations to States parties on its implementation; called upon States parties to take appropriate measures so that acceptance of the amendment to the Convention on the Rights of the Child by a two-thirds majority of States parties could be reached as soon as possible; called upon States parties to ensure that the education of the child shall be carried out in accordance with article 29 of the Convention; and further called upon States parties, in accordance with their obligations under article 42, to make the principles and provisions of the Convention widely known to adults and children alike. It also requested the Secretary-General to submit to the Assembly at its fifty-fourth session a report on the rights of the child, containing information on the status of the Convention and the problems addressed in the resolution, which focused, among other things, on children with disabilities, the prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography, the protection of children affected by armed conflict, refugee and internally displaced children, the elimination of the exploitation of child labour and the plight of children living and/or working on the streets.

Commission on Human Rights

30. The Commission, at its fifty-fifth session, adopted resolution 1999/80 on the rights of the child, in which it addressed among other things, the implementation of the Convention on the Rights of the Child, the girl child, the prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography, protection of children affected by armed conflict, protection of refugee and internally displaced children, progressive elimination of child labour, the protection of children working and/or living on the street, the promotion and protection of the rights of children alleged to have or recognized as having infringed penal law, the promotion of the rights of children with disabilities, the promotion of children's right to health and the promotion of the right of the child to education. The Commission on Human Rights also adopted a resolution (1999/43) on the abduction of children from northern Uganda.

V. EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS INCLUDING REPORTING OBLIGATIONS OF STATES PARTIES TO THE UNITED NATIONS INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS

31. The chairpersons of the human rights treaty bodies held their tenth periodic meeting from 15 to 19 September 1998 at the United Nations Office at Geneva, where they discussed issues relating to the effective implementation of international human rights instruments and the improvement of the operation of the relevant human rights treaty bodies. The report of their tenth meeting containing their suggestions and recommendations was submitted to the General Assembly at its fifty-third session (A/53/432, annex).

32. At its fifty-third session the General Assembly adopted resolution 53/138 of 9 December 1998 in which it, inter alia, welcomed the submission of the report of the persons chairing the human rights treaty bodies on their ninth and tenth meetings and took note of their conclusions and recommendations; welcomed the submission to the Commission on Human Rights of the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty monitoring system and of the report of the Secretary-General containing the comments and observations of Governments, United Nations bodies, specialized agencies and non-governmental organizations; welcomed the continuing efforts by human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures; welcomed the initiative undertaken by the persons chairing the human rights treaty bodies of inviting representatives of Member States to participate in a dialogue within the framework of their periodic meetings, and encouraged them to continue this practice in the future; encouraged the chairpersons to continue these efforts, including through the continued examination of the benefits of reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies; welcomed the publication of the revised Manual on Human Rights Reporting; recalled, with regard to the election of the members of the human rights treaty bodies, the importance of giving

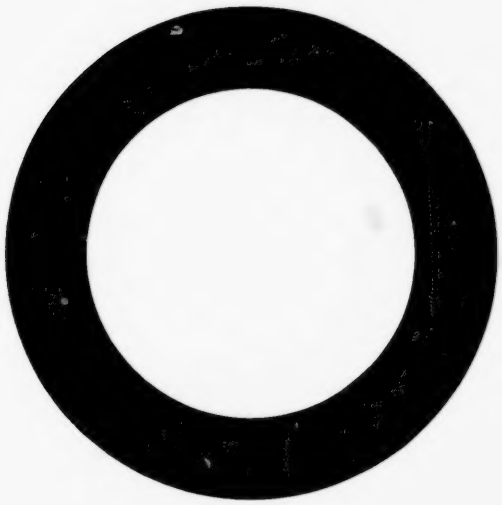
consideration to equitable geographical distribution of membership and to the representation of the principal legal systems and of bearing in mind that the members should be elected and should serve in their personal capacity and should be of high moral character, acknowledged independence and recognized competence in the field of human rights, and encouraged States parties, individually and through meetings of States parties, to consider how to give better effect to those principles; took note of the discussion of the payment of honorariums to the members of the human rights treaty bodies included in the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, and of other work being done by the Secretary-General on this subject; welcomed the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and, in that context, took note of the recommendation made at their tenth meeting that the treaty bodies should take full account of the recommendations contained in the report prepared by the Division for the Advancement of Women of the Secretariat (HRI/MC/1998/6); requested the Secretary-General to provide adequate resources in respect of each human rights treaty body; and in that connection called upon the Secretary-General to seek, in the next biennium, the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information without diverting resources from the development programmes and activities of the United Nations.

VI. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

33. The Convention, which was adopted by the General Assembly in 1990, will enter into force when 20 States have ratified or acceded to it. As at 1 June 1999, 11 States (Azerbaijan, Bosnia and Herzegovina, Cape Verde, Colombia, Egypt, Mexico, Morocco, the Philippines, Seychelles, Sri Lanka and Uganda) had ratified or acceded to the Convention and three States (Bangladesh, Chile and Turkey) had signed it.

34. In its resolution 53/137 of 9 December 1998, the General Assembly inter alia called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority and expressed the hope that the Convention would enter into force at an early date; requested the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights; and invited the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention.

35. The Commission on Human Rights, at its fifty-fifth session, adopted a similar resolution (1999/45) on 27 April 1999.



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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Fifty-first session
Items 3, 5, 7, 9 and 12 of the provisional agenda

COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION

THE IMPLEMENTATION OF HUMAN RIGHTS WITH REGARD TO WOMEN

HUMAN RIGHTS OF INDIGENOUS PEOPLES

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Memorandum submitted by the International Labour Office

GE.99-14063 (E)

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I. GENERAL INFORMATION

A. The ILO Declaration on Fundamental Principles and Rights at Work, and its follow-up

1. At its 86th Session (June 1998) the International Labour Conference adopted the ILO Declaration on Fundamental Principles and Rights at Work, and its follow-up. The Declaration is intended to reaffirm the commitment of all member States of the ILO to the fundamental principles and rights which are incumbent on all countries by the very fact of their membership in the Organization, even if they have not yet been able to ratify the corresponding conventions. The follow-up of the Declaration consists of two parts: annual reports will have to be supplied by the member States that have not ratified the relevant conventions, and global reports will be prepared each year on the principles concerning the fundamental rights contained in the Declaration.

2. The implementation and follow-up of the Declaration are now well under way and the ILO Governing Body has taken a series of decisions in this regard. First, it has sent to the member States the requests for the first annual reports under article 19 of the ILO Constitution. These reports are due as of 1 November 1999. The Governing Body has also decided to establish a group of seven experts who will examine Governments' reports and submit them to the March 2000 session of the Governing Body for discussion. The group of experts will be appointed by November 1999. In addition, the Office is making available to the member States and other constituents a great deal of assistance to prepare their first reports on the ILO Declaration. It is expected that the reporting volume will be high.

3. The first of the global reports, which are to be prepared on different subjects, is now under way. This report will be on freedom of association and collective bargaining and will be available for discussion in the Conference of June 2000. The order of subsequent global reports has also been determined, with forced labour to be examined in 2001, child labour in 2002 and discrimination in employment in 2003, after which the rotation will begin again. After these reports are discussed in the ILO Conference, the Governing Body at each November session will draw up and adopt a Plan of Action for ILO technical assistance to assist the countries in implementing the principles covered in that year's global report. Assistance on the Declaration has included a variety of activities such as national seminars, translations of the ILO Declaration into national languages and assistance to prepare the annual reports. The ILO Declaration and its follow-up was extensively discussed in a tripartite regional seminar on core ILO conventions organized in May 1999, in Damascus, focusing on the Declaration and its follow-up. Similar sessions are now being planned in a number of other regions as well.

B. Adoption of the ILO Convention on the worst forms of child labour and its accompanying Recommendation

4. At its 87th Session (June 1999), the International Labour Conference adopted, by a unanimous vote, the new Convention and Recommendation on the elimination of the worst forms of child labour. The Worst Forms of Child Labour Convention, 1999 (No. 182) applies to all persons under the age of 18 and provides that each ratifying State shall take immediate and

effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. The worst forms of child labour are stated to include the following: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

5. The Convention calls for international cooperation and assistance among the ratifying States in eliminating the above forms of child labour. It also provides that ratifying States have the obligation to establish or designate appropriate monitoring mechanisms and to design and implement programmes of action to eliminate as a priority the worst forms of child labour. Each State would have to take measures to ensure the effective implementation and enforcement of the provisions of the Convention, including the provision and application of penal sanctions or, as appropriate, other sanctions. The Convention stresses the importance of education in eliminating child labour and the need to take effective and time-bound measures in this respect. Special measures are called for with respect to the situation of girls. The accompanying Recommendation (No. 190) provides further guidance on the effective implementation of the Convention. For example, the design and implementation of programmes of action should aim at giving special attention to the problem of hidden work situations, in which girls are at special risk. Furthermore, in determining the types of work which are likely to jeopardize the health, safety and morals of boys and girls, countries are asked to consider, as a minimum, work which exposes children to physical, emotional or sexual abuse and work under particularly difficult conditions, such as work for long hours or during the night or work which does not allow the child the possibility of returning home each day.

6. The provisions of the new Recommendation reinforce the need for countries to cooperate with international efforts to end the worst forms of child labour by gathering and exchanging information on criminal offences, including those involving international networkers, and detecting and prosecuting those involved in the sale and trafficking of children and the use of children for illicit activities, prostitution and pornography.

C. Ratification of ILO conventions

7. Since the previous session of the Sub-Commission, there has been a large number of further ratifications of ILO conventions on subjects relating to the concerns of the Sub-Commission. This has partly been the result of a campaign, launched by the Director General of ILO following the World Summit for Social Development (Copenhagen, March 1995), for the universal ratification of the seven ILO fundamental human rights conventions (Nos. 29 and 105 concerning forced labour, Nos. 87 and 98 on freedom of association and collective bargaining, Nos. 100 and 111 on discrimination, and No. 138 on child labour). The ILO Area Offices and multi-disciplinary teams in the field

follow up Governments' indications on ratifications, and assistance in overcoming obstacles to ratification is made available. The following summarizes the ratifications of those among the 182 ILO conventions which are of special relevance for human rights, as of 8 July 1999: 1/

Convention	Total ratifications	Since last report
Forced Labour		
No. 29	150	Oman St. Vincent and the Grenadines Turkey Zimbabwe
No. 105	140	Bahrain Bulgaria Chile Ethiopia Indonesia Kyrgyzstan Romania Russian Federation St. Vincent and the Grenadines Zimbabwe
Discrimination		
No. 100	140	Belize Ethiopia Thailand
No. 111	136	Belize Indonesia Ireland Republic of Korea Sri Lanka Zimbabwe
No. 156	29	Belize Bolivia
Freedom of Association		
No. 87	124	Cape Verde Chile
No. 98	141	Chile St. Vincent and the Grenadines Zimbabwe

Migrant Workers		
No. 97	41	-
No. 143	18	-
Indigenous and Tribal Peoples		
No. 107	27	No longer open for ratification
No. 169	13	-
Minimum Age		
No. 138	76	Burkina Faso China Dominican Republic Egypt Ethiopia Hungary Indonesia Lithuania Portugal Republic of Korea Turkey United Republic of Tanzania United Arab Emirates
Vocational Rehabilitation		
No. 159	64	Kuwait Madagascar Portugal Zimbabwe

In addition, as outlined in reports to the Governing Body on this campaign, there is a large number of other ratifications either already under way or being examined by the competent national authorities. In the four years since the campaign was launched, nearly 120 ratifications of the 7 fundamental conventions have been registered. The campaign is expected to continue for the foreseeable future.

D. Application of conventions

8. Within the framework of the regular procedures for the supervision of ILO conventions and recommendations, the Committee of Experts on the Application of Conventions and Recommendations addressed a number of comments to ratifying States at its November-December 1998 session, which are contained in its report to the 87th Session of the International Labour Conference. 2/ This report was in turn discussed by the Conference Committee on the Application of Conventions and Recommendations during the 87th Session of the International Labour Conference (June 1999), which invited 19 Governments to

appear before it to give information on points raised by the Committee of Experts regarding one or more of the above-mentioned conventions.

E. Adoption of new standards

9. At its 87th Session in June 1999 the International Labour Conference addressed the question of the revision of the Maternity Protection Convention (Revised) (No. 103), and Recommendation (No. 95), 1952. Proposed conclusions were formulated during the Conference with a view to a revision of the Convention and Recommendation. A resolution was adopted to place the revision of the Convention and Recommendation on the agenda of the 2000 session of the International Labour Conference for a second discussion with a view to the adoption of a revised convention and recommendation on this subject.

F. General activities for the prevention of discrimination

10. Tripartite activities to promote ILO standards on equality of opportunity and treatment took place in various countries, including Brazil, India, Indonesia, Malaysia, Namibia, South Africa, Thailand and Ukraine. At the national level, consultations held in April 1998 with the Government of the Republic of Korea on the ratification of core conventions resulted in the ratification of Convention No. 111; and in response to the Government of China's request for technical assistance on the ratification of this Convention, a series of national tripartite workshops on Convention No. 111 began in April 1999. In Indonesia, ILO provided technical assistance with respect to the implementation of labour law reform and the realization of the fundamental principles and rights at work, related to the Government's decision to ratify, inter alia, Convention No. 111.

11. The Norway-funded technical cooperation project on affirmative action in employment in Namibia, intended to overcome the lingering effects of apartheid on employment, is now completing its last phase. The crowning achievement of the project has been the adoption and promulgation of the Affirmative Action (Employment) Act, No. 29 of 1998. ILO will continue to backstop the last phase of this three-year project, which is expected to come to a close this year, including the training of 15 Employment Equity Commissioners and 15 Department of Labour staff (inspectors and review officers) who will be responsible for enforcement of the Act's provisions. In South Africa, the Office's technical assistance on the drafting of new legislation bore fruit with the adoption of the Employment Equity Act, No. 55 of 1998. The Act bans unfair discrimination in employment on a wide range of grounds (including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth), and requires affirmative action measures in favour of black people, women and persons with disabilities. The Office is currently advising the Department of Labour in the area of employment equity training. A draft project in the pipeline would use national and international expertise to inform the stakeholders of their obligations under the Act, and on the business sense of good employment equity plans.

12. The Office will also be assisting in the implementation of a project in Pakistan entitled "Human rights: an institutional capacity-building project",

which is scheduled to take place during 1999. The project aims to build and strengthen effective human rights institutions, both governmental and non-governmental, and an active participation of the country on international human rights procection systems. Project activities will include research, training, and the development and implementation of action plans.

G. Action against discrimination based on HIV/AIDS

13. For people who are affected with HIV/AIDS, discrimination occurs both in their attempts to get jobs and in their relation with employers and their colleagues. The Office is receiving an increasing number of requests for assistance in this field. Most current ILO activities related to AIDS are taking place in Africa. They generally focus on preventive HIV/AIDS education programmes, often in collaboration with other agencies, or with NGOs. Several activities are being conducted in the Southern African subregion, involving the ILO, UNDP and UNAIDS. Sensitization modules were carried out in general workshops on international labour standards. In addition, a number of seminars were held on the workplace safety side of HIV, using the "Your health and safety at work" kit, and the Office supported the National Tripartite Seminar on the Employment Implications of AIDS to be held in Malawi from 20 to 23 September 1999. The Office was also involved in South Africa's "HIV/AIDS campaign" and the United Nations Country Team's work plan for HIV/AIDS activities in that country, where it is lead agency for a number of items. The International Small Enterprises Programme (ISEP) of ILO, connected with Enterprise Development, in collaboration with UNDP, held a Joint Exploratory Meeting on the Informal/Micro and Small Business Enterprise Sector and the HIV/AIDS Epidemic in Africa from 21 to 24 May 1999. The meeting came to the following conclusions:

"1. The current economic reforms in Sub-Saharan Africa are focusing on deregulation and privatization, and have a tendency to increase the role of the private sector in the affairs of respective countries.

"2. The assumptions made under these reforms are that the private sector will become the potential resource base for HIV prevention, care and mitigation activities. These assumptions are difficult to take seriously when half of this private sector is made up of the informal/MSE sector. These are the reasons why ILO and the UNDP Regional Project on HIV and Development joined forces to organize the above-mentioned exploratory meeting on the issue. The main outcome is an agreement to undertake a series of research oriented activities that would shed light on the interaction between HIV and the informal/MSE sector. It was noted also that the ILO/UNDP Regional Project initiative may be the first serious attempt to work within the informal/MSE sector to create awareness and implement prevention or care programmes."

14. Furthermore, an ILO Tripartite Workshop on Social and Labour Implications of HIV and AIDS is tentatively scheduled to take place in Windhoek, Namibia in October 1999. ILO is participating in the Inter-agency Working Group on Gender and Aids and the Inter-agency Advisory Group on AIDS. In 1998, the Office also published HIV/AIDS and Employment, which deals with

the legislative and regulatory framework, enterprise practices, the impact of measures taken and recommendations for practical policies to address discrimination in employment on the basis of HIV/AIDS. Some other publications on the subject are under preparation and would serve as guidance for ILO teams and constituents.

B. Situation of Arab workers of the occupied Arab territories

15. At the 87th Session of the International Labour Conference, the constituents of ILO discussed, in a special sitting, the Director General's most recent report on the situation of workers in the occupied Arab territories. Since 1978, through missions sent to Israel and the occupied territories including the Golan, ILO has been fulfilling its mandate to monitor the situation of Palestinian workers and has documented how their interests and those of Palestinian employers can be improved by the provision of adequate and appropriate technical assistance. This year, a mission representing the Director General visited Israel and the occupied Arab territories from 24 April to 1 May 1999. Another mission visited the Syrian Arab Republic from 13 to 16 March 1999. The report is based on information collected during these missions and from a variety of sources, including the Government of Israel and the Palestinian Authority, employers' and workers' organizations and various United Nations agencies.

16. The report concerns first and foremost the real conditions of work and employment of the workers in the occupied Arab territories in such areas as equality of opportunity and treatment in employment, access to the labour market, working conditions, social security and industrial relations. This year, the report once again highlighted the negative impact on the employment situation of Palestinian workers of the closures, whether partial or total, between Israel and the West Bank and Gaza Strip. Despite indicators of improvement, the employment situation of workers in the occupied territories remains of grave concern. The mission was informed that the lack of clarity of the legislation applicable in the settlements and the non-payment of wages were still major problems for Palestinians working in Israel. The average daily wage for those who worked in the West Bank was US$ 13.36 and in Gaza it was US$ 10.79. Average monthly take-home pay, calculated by multiplying the average daily wage rate by the average number of days worked per month, increased for those who were able to work in Israel from NIS 1,643 to NIS 1,763, i.e. by 3.3 per cent. (In terms of United States dollars, there was a decline of 4.1 per cent as a result of the depreciation of the Israeli currency in the second half of 1998.) Finally, the average monthly wage of all workers of the occupied territories, irrespective of their place of work, was estimated at US$ 355, unchanged in real dollar terms from the previous year. The latest labour force survey shows an average labour force participation rate of 41 per cent in the territories as a whole, with major differences along gender lines. The average labour force participation in the West Bank, in 1998, was 72.1 per cent for men and 14.2 for women. In the Gaza Strip, the corresponding rates were reported to be 64.9 per cent for men and 5.8 per cent for women.

17. The report noted that the policy changes, announced in 1997 by the Israeli Office of the Coordinator of Government Activities in the Territories (COGAT) of the Ministry of Defence and by the Ministry of Labour and Social

Affairs, continued to be implemented. Changes involved, inter alia, the cancellation of quotas for Palestinian workers; approval of a plan to permit their employment in Israel even during sensitive security situations; issuance of work permits for overnight stays of Palestinian workers in Israel; lowering the age of workers entitled to work in Israel to 22, perhaps even lower in the fut. , depending on the security situation; allowing for more flexible working hours and stay in Israel so that Palestinians could work until evening or in shifts; job fairs; and an initiative placed before the Palestinian Authority in favour of expanding Palestinian job opportunities in the construction sector. However, the current report continues to highlight the difficult situation in terms of conditions of Palestinians employed by Israelis or working in Israel, including non-payment or discriminatory underpayment of wages and benefits, and inequalities in the social security system.

18. ILO continued its technical cooperation in a number of areas. A social security code is currently being prepared with ILO assistance through the Palestinian Ministry of Labour. The code should give the necessary framework to develop an appropriate social security scheme. In addition, ILO assisted the Palestinian authorities in drafting a labour code which has had its first reading in the Palestinian Legislative Council. The adoption of the labour code would, it is hoped, put an end to the current uncertainty as regards the applicable legislation. ILO assistance has also been requested by the Palestinian Ministry of Labour to strengthen the labour administration and industrial relations system.

19. In the biennium 1998-1999, the ILO's regional programme for the Arab States attached great importance and priority to assisting the countries and territories directly concerned with the peace process in the subregion, in particular Gaza and the West Bank. The ILO's contribution in this area continued to be focused on capacity-building activities for officials responsible for labour and social policies and for the representatives of the employers' and workers' organizations. The programme also provided for the development of employment policies, human resources development, and promotion of employment through small enterprise development, including a regional seminar on the promotion of mini- and small enterprises for women. Within the framework of the ILO International Programme on More and Better Jobs for Women, an action plan for the West Bank and Gaza has been formulated and a proposal to implement the plan is being considered. ILO participated to implement a sizeable technical assistance programme in the West Bank and Gaza and the Palestinian territories involving over US$ 10 million. The Palestinian Employment Programme (PEP), whose objectives and aims are to expand the employment opportunities of the Palestinian labour force, is currently one of the main ILO activities in the occupied territories. With regard to ongoing technical cooperation activities being undertaken by the ILO International Training Centre, Turin, several activities were about US$ 1 million were implemented with the Palestinian Authority. They included the development of technical colleges of the Ministry of Higher Education, training activities, the promotion of women's rights and the strengthening of trade unions. ILO will continue its technical cooperation programmes in the occupied Arab territories, with the aim of improving the situation of the

workers, by focusing its assistance on employment and sustainable livelihood, building the capacity of its constituents and enhancing social dialogue and tripartism.

I. Collaboration with other international organizations

20. As in the past, the arrangements whereby the ILO collaborates with other international organizations on questions concerning the supervision of international instruments and matters of interest to more than one organization continued to function in relation to freedom of association, discrimination in employment and occupation, equal opportunities between men and women in employment, indigenous and tribal peoples, migrant workers, forced labour, child labour and other questions falling within the ILO mandate. ILO regularly takes an active part in the Commission on Human Rights and in the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the Sub-Commission's working groups on indigenous populations, on minorities, on contemporary forms of slavery, and on the right to development. ILO also plays a prominent role in the various treaty bodies established to supervise United Nations human rights instruments, in particular the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of All Forms of Discrimination against Women and the Committee on the Rights of the Child. ILO is cooperating with the United Nations in coordinated follow-up to and implementation of the World Conference on Human Rights (Vienna, 1993), and the Fourth World Conference on Women (Beijing, 1995). The 1995 World Summit on Social Development assigned to ILO a leading role in action concerning employment and ILO is working actively on the "Copenhagen + 5" preparations. Contributions have also been made regularly to projects designed by the ILO International Training Centre in Turin which have a bearing on equality issues. The Office also continued to collaborate in the field of standards with the United Nations and its bodies, and with other specialized agencies.

21. ILO has continued its efforts to maintain a constructive synergy between its work and the activities of the Office of the High Commissioner for Human Rights, a synergy that is to be pursued in accordance with a specific decision to this effect taken by the Governing Body. Workshops on the application of international human rights instruments and joint briefing sessions with other United Nations agencies for country or thematic rapporteurs have been organized by the United Nations with the collaboration of the ILO International Training Centre in Turin. ILO has also been called upon to supply a large amount of information on specific themes and different countries to the United Nations High Commissioner for Human Rights to assist her in fulfilling her mandate.

22. ILO continued its consultations with the World Bank and the International Monetary Fund over the past year, with a view to these organizations taking increased account of human rights questions affecting working people. This has taken place so far through technical discussions between the staff of the two organizations, with the objective of coming to a better working arrangement. A joint project between ILO and the Asian Development Bank is in the pipeline, focusing on international labour standards with particular attention for gender concerns, child labour and

issues of occupational safety and health. The project will be implemented in a selected number of Asian countries and the Sub-Commission will be informed of the outcome in due time.

23. Following the General Assembly's proclamation of 1995-2004 as the International Decade of the World's Indigenous People, the International Labour Office has contributed to the Decade by organizing its own events and by collaborating with the Office of the High Commissioner for Human Rights. In the framework of the General Assembly's proclamation of 1995-2004 as the United Nations Decade for Human Rights Education, ILO has cooperated with the Office of the High Commissioner for Human Rights in its activities to promote human rights education methodologies, using, in particular, the extensive experience of ILO in workers' and employers' education.

24. The Office has informed the United Nations that ILO will take an active part in the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which is expected to be held no later than 2001.

II. NOTE ON ITEM 3 (a) OF THE PROVISIONAL AGENDA

25. ILO activities relating to international migration for employment aim at providing support to migrant-sending and migrant-receiving countries in order to help them deal with current policy concerns, cooperate in the recruitment and return of migrant workers and improve the protection of migrant workers and members of their families. Indeed, the ILO Declaration on Fundamental Principles and Rights at Work recalls that migrant workers are among those with special social needs and thus requiring social protection. The promotion of the ILO standards concerning migrant workers is a prominent feature of all the activities undertaken. A key concern of these standards is non-discrimination and equality of opportunity and treatment.

26. The Office's activities have concentrated on promoting the principle of equality of treatment for migrant workers and the elimination of discrimination against them. However, the situation of migrant workers remains a matter of concern, particularly in countries that have not yet ratified any of the relevant conventions and where national legislation and practice are often far from consistent with ILO principles. This was highlighted once more in the findings of the General Survey 2/ on the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), carried out in 1998, which was discussed at the Conference in June 1999. One of the reasons why the Governing Body requested the Committee of Experts on the Application of Conventions and Recommendations to carry out this survey was the small number of ratifications of these conventions and the possible need for revision of these instruments.

27. In the General Survey, the Committee of Experts expressed its concern, among others, about the phenomenon of labour trafficking as an aspect of irregular migration. It found that illegal migration was becoming highly organized internationally and was linked to lucrative criminal activities, including human trafficking; labour trafficking could become one of the dominant forms of abusive migration. The Committee noted that irregular

migrants "often find themselves in positions where they are vulnerable to abuse and exploitation. Substandard working and living conditions, slave-like working conditions, confiscation of travel documents, and non-payment of wages and other benefits at the hands of the employer, as well as potential inhumane treatment at the hands of the authorities if caught, all too commonly dominate the lives of irregular workers" (para. 19). Strong emigration pressures combined with increasingly restrictive immigration laws and regulations contributed to the fact that potential immigrants were compelled to rely more on clandestine networks - who demand exorbitant fees for their services - to slip through the net. It noted that "the ensuing financial and moral debt (clandestine employment often being presented as a "service rendered") thus [trapped] migrants in a position of dependence, exposing them to unbridled exploitation of their labour in conditions that are close to slavery" (para. 291).

28. The General Survey also highlighted the particular situation of women migrants when recruited as domestic workers or "sex workers". According to the Committee, there was an increasing tendency to recruit women migrant workers for commercial (sexual) exploitation through arranged marriages with foreigners or by getting them to sign contracts of employment that look tempting but rarely reflect the real situation. The fact that they were employed abroad and often hold jobs for which there was little protection under social legislation, such as domestic workers, manual workers in agriculture, factories or export processing zones, and as hostesses or entertainers in night clubs or cabarets, made them all the more vulnerable to exploitation and abuse.

29. The Committee of Experts further noted that an examination of national laws and regulations showed that sanctions against migrants in an irregular situation were very widespread, both in sending and receiving countries. Overall, States were very active in terms of attempting to combat clandestine and illegal migration, including labour trafficking. However, the Committee emphasized that "it is important to ensure respect of the basic human rights of all migrant workers, in order to avoid migrant workers (notably those in an irregular situation) finding themselves in a situation where their rights are not respected and where they are vulnerable to abuses of all kinds" (para. 361).

30. Three main conclusions have been drawn by the Committee of Experts: (i) the changes in nature and volume of international migration call for a better set of international standards on the subject; as the Committee pointed out, "it is unacceptable for millions of workers to remain excluded from international protection"; (ii) the Governing Body should consider either a promotion campaign in relation to the existing instruments, or a proposal for new instruments to be adopted by the Conference; and (iii) the international community, and ILO in particular, should increase their efforts to help these workers and to assist Governments to face this phenomenon.

31. The Committee noted that since the adoption in 1949 and 1975 of the instruments under consideration, the extent, direction and nature of international labour migration have undergone significant changes. Not only has the total number of individuals involved in the migration process risen, the number of countries from which they are emanating and to which they are

heading has also grown. Globalization, diversification of forms of migration, the declining role of State leadership in migration, decrease of State-organized migration as compared to spontaneous migration, increase in temporary migration, growth of private recruitment agencies, increase in irregular migration, trade in human beings and - what is very important - feminization of migration have substantially changed the context of contemporary migration. The 1949 and 1975 instruments do not seem to be able to address a number of new situations.

32. The Committee of Experts noted that, generally speaking, countries tend to follow the provisions made by the instruments in broad terms, but less so when it comes to provisions calling for more specific commitments. The points of divergence lie in key areas of the instruments: recruitment procedures, rights afforded to migrant workers in an irregular situation, the policy of promoting equality of opportunity and treatment. An important lacuna is that relating to treatment of female migrants. In the 1949 and 1975 instruments they were mostly to be found in the context of family reunification, whereas at present there is clearly a substantial increase of women workers who migrate in search of employment for themselves. The Committee asked whether new measures ought to be taken by ILO to ensure protection for this category of workers, which may include a revision of the treatment of artistes and members of the liberal professions, particularly in the light of the extent of the phenomenon of women being recruited for such employment only to find themselves working in the sex sector.

33. Despite the lacunae and the changing nature of the context, the Committee is convinced that the principles enshrined in these instruments are still valid today. The Committee of Experts suggests that the instruments be entirely revised in order to bring them up to date and, insofar as is technically possible, to merge them into a single new convention designed to bridge the gaps in the current instruments. Whatever the means adopted by ILO, the Committee considers that there is an urgent need for better mechanisms at both the national and international levels to address the international migration of workers. It is up to ILO to provide the international framework for this effort.

34. During the discussion at the International Labour Conference in 1999, there was a general consensus that ILO needed to increase its attention to the situation of migrant workers. There was general agreement with the conclusions of the Committee of Experts that the relatively low number of ratifications of the applicable international instruments on this subject indicated that there are problems with them. While no formal conclusions were reached, there was general agreement that the ILO Governing Body should place the subject on the agenda of the International Labour Conference in the near future, to consider the need for revision of the ILO Conventions.

35. The development of migration for employment is becoming the focus of increased attention by ILO constituents, resulting in an increasing number of requests for technical assistance. The ILO has been entrusted with leading the work of the Working Group on International Migration established by the ACC Task Force on Basic Social Services for All. Within the framework of this working group, a Technical Symposium on International Migration and Development was held in The Hague from 29 June to 3 July 1998, aimed at:

Examining salient international migration and development policy issues faced by Governments, such as protecting migrants and preventing their economic and social marginalization;

Evaluating, through country case-studies, the effectiveness of existing policies, procedures, measures and mechanisms;

Suggesting to Governments ways to foster orderly migration flows and to counteract the economic and social marginalization of migrants.

The report on the symposium was published in late 1998 and is expected to give rise to further requests for technical assistance from ILO constituents.

36. Over the past year, the Office has participated in the work of the working group of intergovernmental experts on the human rights of migrants of the Commission on Human Rights. Possible collaboration with the United Nations Interregional Crime and Justice Research Institute (UNICRI) on a global programme on "trafficking in human beings" is being discussed. In addition, the Office is strengthening its knowledge and expertise in order to broaden the scope of ILO attention and activities as regards labour trafficking (for the issue of trafficking in children, see paragraphs 4 to 6 above). Coordination and cooperation with the United Nations system and other regional and international organizations in the field of human rights have also triggered a growing attention to trafficking-related issues in ILO activities reports submitted to the United Nations and its subsidiary bodies, in particular the Commission on Human Rights, as well as to the "treaty bodies" established to monitor the application of United Nations instruments. It maintains close relations with these bodies and takes part in discussions relating to a variety of human rights subjects, which increasingly include the question of trafficking in persons. For example, detailed comments were submitted on the subject of trafficking in persons to the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, meeting in Vienna, for consideration in its discussions on two additional protocols to the draft convention - one to suppress, punish and prevent trafficking in persons, particularly women and children, and one against the illegal trafficking in and transport of migrants.

37. In addition, over the past almost 10 years, the Committee of Experts on the Application of Conventions and Recommendations has commented on several occasions on situations relating to trafficking of men, women and children for purposes of labour exploitation, including forced labour in sweatshops, factories, plantations, brothels and as domestic servants in private houses. The Committee has found that victims of trafficking are often submitted to conditions of forced labour and information on national and cross-border trafficking has generally been examined under Convention No. 29. Increasingly, trafficking, especially child trafficking for prostitution, is also being discussed at the International Labour Conference Committee on the Application of Conventions and Recommendations. Although men are also being trafficked, it is apparent from the Committee of Experts' comments that women and children are the key target groups for traffickers. It should be noted that the newly-adopted Convention and Recommendation on the elimination of the worst forms of child labour cover trafficking in children.

38. The Committee of Experts has commented most extensively on cases of trafficking in women and children for prostitution (often followed by a debate in the Conference Committee), and requested detailed information on the action taken against traffickers. The Committee has pointed to the importance of raising awareness about trafficking in all sectors of society and has found that in the case where child bondage and forced labour is related to trafficking and related forms of abuse, specific measures were needed for their identification, release and rehabilitation, given the particular vulnerability of children and their specific needs. However, in a number of instances the Committee's comments have gone beyond this particular situation. It has expressed its concern about the situation of indigenous and tribal peoples, including children, being trafficked at national and cross-border level, involving recruitment through deception, violence or coercion; non-payment of wages and compulsory and forced labour. It has also commented on the conditions of recruitment and working conditions of foreign female domestic workers and on practices of migrant labourers, including children, being trafficked and forced to work on plantations and fishing platforms or as camel riders.

39. Apart from its ongoing activities relating to international migration for employment, the Office has engaged in activities aimed explicitly at promoting the protection of migrant workers and eradicating discrimination against them. An interregional technical cooperation project to combat discrimination against migrant workers and ethnic minorities in the world of work was launched in 1993. This focuses on industrialized migrant-receiving countries and aims to tackle informal or de facto discrimination. Its research findings have provided evidence that this kind of discrimination is widespread and persistent. In 1998 a number of research reports were published and national seminars organized in countries participating in the project. A Tripartite Interregional Seminar on Achieving Equality for Migrant and Ethnic Minority Workers, scheduled to take place from 28 to 30 October 1998, had to be postponed on account of delay in the approval of external funding, but it is now planned for the last quarter of 1999.

40. In 1996, the Office launched the Informal network on foreign labour in Central and Eastern Europe. This ongoing project aims to strengthen Governments' capacity to deal with international migration in the region. Within the framework of this project, issues relating to the equal treatment of migrant workers and the position of nationals of the former Soviet Union and its successor States were also considered. Their legal status is often undecided, resulting in a vulnerable position within the respective host societies and socio-economic marginalization. The assistance provided by ILO through the network will include support in preparing laws, regulations and bilateral agreements and in carrying out labour force or enterprise surveys. In preparation for the High-Level Tripartite Meeting on Social Responses to the Financial Crisis in East and South-East Asian Countries (Bangkok, 22-24 April 1998), the Office organized missions to assess the extent of the dislocation of migrant workers in the region and proposed measures to protect these basic rights.

41. Promotional work on the conventions concerning migrant workers and the guidelines on special protective measures, as adopted by the 1997 Tripartite

Meeting of Experts on Future ILO Activities in the Field of Migration and approved by the Governing Body at its 270th Session, has been incorporated in the Office's technical advisory services and research work.

III. NOTE ON ITEM 5 OF THE PROVISIONAL AGENDA

42. Gender is a cross-cutting issue in the ILO new strategic budgeting approach. The Director General announced a new commitment to an integrated gender policy when he inaugurated a special celebration in ILO on 8 March 1999 on the occasion of International's Women's Day. In his recent report to the 1999 International Labour Conference, the Director General stressed that "the ILO must articulate a gender perspective in the world of work" and that "building on current activities to promote equality between men and women, the aim will be to examine the economic and social roles of both men and women, and to identify the forces which lead to inequality in different domains". He went on to state that this "will involve the broadening of the focus of attention from de jure achievement of equality for women to de facto results of economic policies, legislative measures and labour market outcomes for different groups of women and men". During the past biennium, ILO has continued its technical cooperation activities to improve the situation of women workers in a number of regions. The following illustrate the activities undertaken with regard to women workers, but gender concerns are also taken into account in all aspects of ILO activities.

43. In 1998-1999, the interregional Netherlands-financed project "Training and information dissemination on women workers' rights" came to an end. This project was executed in China, Egypt, El Salvador, Hungary, India, Mali, Suriname, Viet Nam and Zimbabwe. It addressed the lack of knowledge about the nature and scope of legal provisions on women workers' rights and equality between men and women in the world of work, and the lack of capacities to use them as effective tools for promoting equality. The project contributed to the wide dissemination of international labour standards concerning these issues and their expression in national legislation and practice, through the translation of ILO information and training packages into local languages. Research was carried out on the practical implementation of legal provisions relevant to women workers, including recommendations for improvements. The output of the research was transformed into training material for national and regional workshops. In addition, the setting up of national steering committees and working groups of gender trainers and resource persons contributed to creating support networks for further addressing equality concerns within the participating governmental institutions, workers' and employers' organizations and NGOs.

44. In Latin America, studies on women, employment and poverty have been carried out in the Andean countries. In Peru, a project to support the Women's Employment Programme of the Ministry of Labour and Social Promotion was directed at improving the situation of low-income underemployed women. Studies were also carried out in Colombia, Ecuador and Venezuela on the situation of women workers from low-income households. In the context of the implementation of the Peru component of the subregional programme on strengthening trade union organizations in promoting equality for men and women workers, one project aims at improving women's access to the labour market through their integration in trade unions and their active

participation in labour relations. Another project relates to the development of a trade union system on productive and social systems for women from the informal sector. Workshops have been held with the aim of developing an action plan for trade unions that can be used in workers' eduction programmes and training to sensitize them on equal opportunities for men and women and gender equity. In Argentina and Paraguay, ILO participated in the process of establishing tripartite commissions on equal opportunities between men and women, and in Chile support was given to the Network of Tripartite Commissions on Equal Opportunities in Employment in the Southern Cone. ILO has continued its earlier collaboration with Brazil on several human rights questions, including gender equality.

45. In the Caribbean, the Office is currently collaborating with the United Nations Development Fund for Women (UNIFEM) in executing a project on facilitating women's economic and political empowerment in the Caribbean through communications. A major focus of the project is enhancing public awareness of the Convention on the Elimination of All Forms of Discrimination against Women and the ILO Equal Remuneration Convention, 1951 (No. 100), Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and Maternity Protection Convention (Revised), 1952 (No. 103). One of the outputs will be a kit highlighting the rights of women workers under the United Nations convention and the relevant ILO conventions. In Barbados, ILO conducted a national workers' education course on gender awareness and gender issues in the world of work. The objective of the course was to introduce the participants to the gender approach within a social policy and industrial relations context and to highlight and discuss several issues such as sexual harassment in the workplace and equal remuneration. A regional seminar on improving the terms of employment, status and working conditions of domestic workers in the Caribbean was held in Jamaica. A major output is a Strategy for the Caribbean to Improve the Terms of Employment, Conditions and Status of Domestic Workers. In 1999, in Trinidad and Tobago, a national workshop aimed at formulating a National Strategy for Domestic Workers was organized and a Reference Handbook for Domestic Workers was prepared and disseminated.

46. It is evident from the review of ILO activities that gender and equality issues have been part of the general programme on international labour standards. Several activities promoted women workers' rights in Costa Rica, the Republic of Korea, the Lao People's Democratic Republic, Suriname, Viet Nam and Zimbabwe, and training sessions on sexual harassment issues were organized in Barbados, Guyana, Jamaica and Trinidad and Tobago. Following a national workshop held in St. Kitts and Nevis in 1997 on sexual harassment at work, a handbook entitled Sexual Harassment: It is not A Women's Thing, it Concerns us All was published in 1998. In the Republic of Korea, the Office organized a workshop on labour standards and Korean labour law for women trade union leaders.

47. With regard to the promotion of equality in export processing zones (EPZs), the Tripartite Meeting of Export Processing Zone Operating Countries (Geneva, 28 September-2 October 1998) took note of the high proportion of women employed in EPZs and the frequent absence of sufficient measures to address their needs. The Meeting drafted guidelines with a view to ensuring

equality of opportunity and treatment in employment, providing adequate maternity protection and facilitating the combination of work and family responsibilities.

48. With regard to activities relating to employment and gender equality in the context of structural adjustment and economic reform, national multisectoral task forces adopted action plans in the United Republic of Tanzania and in Zimbabwe which identify priority areas for legislative reforms, employment promotion and social protection measures. Two memoranda of understanding were signed between ILO and the Governments of the United Republic of Tanzania and Zimbabwe respectively, providing the operational and institutional framework for technical cooperation in support of the action plans. In both countries, where labour laws are being reviewed and modified, a review of the gender aspects of existing and proposed legislation which affect employment is a top priority in the action plans. Furthermore, in Côte d'Ivoire a national tripartite policy workshop on employment promotion with gender equality in the context of structural adjustment was held in November 1998, and a national action plan was adopted. In Sri Lanka, data collection aimed at setting up a gender-disaggregated database on retrenched workers was launched and preparatory activities for organizing a national tripartite debate on women's employment and economic reforms were initiated.

49. Within the framework of the programme on homeworkers in the global economy, an action-research project was launched in Latin America. Country studies on the magnitude, nature, profile and regulatory framework of home work in eight Latin American countries were completed in 1998. Preparations were completed for a regional tripartite meeting scheduled for 1999, where social partners will be able to discuss the findings of the studies and identify future courses of action. In Asia, missions to Indonesia and the Philippines identified future practical action to address female homeworkers' needs in the fields of employment and social protection, specifically in the context of the current Asian crisis. In Pakistan, the Office conducted a study on women home-based piece rate workers, which highlighted that these women are suffering from inadequate conditions of work, low wages and a complete absence of social protection. Pakistan also prepared its National Plan for More and Better Jobs for Women, which deals with a wide range of interventions at the policy level, institutional strengthening and direct support to women's groups.

50. As a means of enhancing the capacity of ILO constituents to combat poverty and social exclusion from a gender perspective and with an employment-oriented focus, a comprehensive and multisectoral "Capacity-building programme and training package on gender, poverty and employment" was developed, covering nine thematic areas for action. A planning and validation workshop was held in February 1998 at the Turin Training Centre as a basis for fine-tuning and finalizing the training package. Revisions of the package were undertaken and initial preparations for regional adaptation and implementation of the programme were carried out, for full implementation of the programme in 1999.

51. ILO also continued to strengthen the involvement and participation of women in activities of workers' and employers' organizations. Training,

advisory services and projects are being executed to strengthen women's participation in trade unions. These include a regional project on workers' education assistance to strengthen trade union action on women workers in view of child labour in selected South-East Asian countries (Indonesia, Thailand and Viet Nam), and the development of a guide on gender and collective bargaining which is being used in seminars, workshops and other promotional activities. The Office has also continued to encourage employers' organizations and their member enterprises to design, adopt and implement equal employment opportunity policies in the workplace. A programme on the promotion of women in private sector activities through employers' organizations has been implemented in six countries, including Bangladesh, Jamaica, Mauritania and the Philippines. In Mauritania a code of practice for gender equality has been developed taking into account the local context. In Jamaica, ILO carried out gender training for public and private sector decision-makers and executives.

IV. NOTE ON ITEM 7 OF THE PROVISIONAL AGENDA

52. With regard to the application of the Indigenous and Tribal Peoples Convention (No. 169), the Committee of Experts noted, in its most recent General Report, that this was the most comprehensive instrument of international law for the protection in law and in practice of the right of indigenous and tribal peoples to preserve their own laws and customs within the national societies in which they live. The Committee pointed out that Convention No. 169 establishes minimum rights which must be respected and put into practice by the States which ratify it with a view to the protection of the 300 million members of indigenous and tribal peoples acknowledged to exist around the world. The application of the Convention is extremely complex and may have a profound impact which may go even to the heart of the constitutional order of ratifying States. Its ratification may imply the adoption of new national standards or the adaptation of existing standards to define under the Convention a new relation between Governments and national societies and indigenous and tribal peoples.

53. The Committee of Experts also stressed that one of the fundamental precepts of this Convention is that a relationship of respect should be established between indigenous and tribal peoples and the States in which they live, a concept which should not be confused with autonomy or political and territorial independence from the nation State. It is important to note that the Convention has had a great influence in many countries, even before its ratification. For example, it served as a point of reference for the conclusion of a peace agreement and the signing of a specific accord on the dignity and rights of the indigenous peoples of Guatemala. It has also helped to orient, or to serve as a point of reference, for discussions on the situation of indigenous and tribal peoples in other countries. Finally, the Convention has also had a significant impact on other instruments of international law and in other international organizations, in particular in the Commission on Human Rights' discussion of a possible draft declaration of indigenous rights and, in the Americas, in the discussion of a new instrument on indigenous rights by the Inter-American Institute of Human Rights of the Organization of American States.

54. Another important point is that the Convention has served as guidance for a number of decisions of several supreme courts in the Americas. This has illustrated the capacity of the Convention to influence the positive law of these countries and to help modify the relations of power in the political dialogue between the indigenous and tribal peoples and national Governments. It may be noted in this respect that since 1996, four representations under article 24 of the ILO Constitution have been submitted alleging failure to observe the provisions of the Convention in several countries. This demonstrates an increasing tendency for the Convention to be a valuable instrument for the protection of the rights of these peoples.

55. No new ratifications of the Indigenous and Tribal Peoples Convention (No. 169) have been registered since the last report to the Sub-Commission, though ratification is at an advanced stage of consideration in several countries. The ILO supervisory work continues through the Committee of Experts on the Application of Conventions and Recommendations, as well as constitutional complaints procedures. The representations concerning the non-observance of Convention No. 169 by Bolivia, Mexico and Peru remain under examination. Tripartite committees to examine these representations have been established by the Governing Body.

56. Since the beginning of the International Decade of the World's Indigenous People, ILO has initiated a number of technical cooperation projects and programmes to increase awareness of the situation of indigenous and tribal peoples and to promote an improvement of their living and working conditions. All ILO technical assistance programmes are implemented within the framework of relevant ILO standards, in particular Convention No. 169. The following is a summary of current ILO projects and programmes.

Project to promote ILO policy on indigenous and tribal peoples

57. The CANIDA-financed Project on Indigenous and Tribal Peoples is a technical cooperation project aimed at promoting ILO policy on indigenous and tribal peoples. It began operations in 1996 and will continue until 2000, subject to renewal. The project is conceptualized within the framework of the International Decade of the World's Indigenous People (1995-2004), and itself is managed by two indigenous and tribal persons. The interregional focus of the project places its main emphasis on Asia and Southern Africa, whereas project work in South and Central America is complementary to the activities of the ILO offices in the region.

Asia

58. In Cambodia, the project's cooperation with the governmental Inter-Ministerial Committee (IMC) and the Provincial Rural Development Committee (PDRC) aims to promote capacity-building and a participatory approach to development with special reference to the highland peoples of Mondulkiri province. One of the objectives of this project is to encourage highland communities to implement, conduct and eventually be responsible for the participatory development process at the community level. Members of IMC will also be participating in a study tour to the Philippines as part of the project's "indigenous-to-indigenous" module.

59. In India, the third phase of workshops has taken place, concentrating on themes of women, empowerment and displacement. The results will be issued in the form of a publication Working with Displaced Tribal Women in Andhra Pradesh, in the summer of 1999. This project is ongoing in collaboration with LAYA, and will continue into the year 2000, the objectives for the next phase of the project being to facilitate discussions and a platform for views on women's issues in the area, to develop confidence and self esteem in women, to enable them to participate in issues that affect the community, and to document the effects of societal change on women's lives.

60. In Japan, the project, together with the Office of the High Commissioner for Human Rights, took part in a workshop on indigenous issues and a symposium on Ainu culture as part of the Incarnation Sapporo National Festival during February 1999. The main objective of the project's participation in the symposium was to elaborate on the work of ILO on indigenous and tribal peoples. Taking part were a number of Ainu representatives and dignitaries as well as Hokkaido (a leading trade union) collaboration with which is being anticipated as a future possibility.

61. In the Lao People's Democratic Republic, the project, together with UNDP, has been requested to supervise a study addressing the Government's policies regarding ethnic minorities in rural development. This study is nearing completion. A mission to the Lao People's Democratic Republic was undertaken at the request of the ILO Bangkok Area Office, with the specific objectives of encouraging sustainable development and the protection of cultural diversity by means of a participatory approach. The project forms part of a five year socio-economic development plan, initiated in 1999.

62. Subsequent to the project's 1997 workshop in Chang Mai, Thailand, entitled "Information exchange on development experiences with highland peoples", the Government of Thailand requested the development of a national policy workshop to address the needs of indigenous and tribal peoples. This workshop will be aimed at incorporating the needs and priorities of indigenous and tribal peoples in national development policies, and will take place in October 1999. Two main issues will be addressed: (i) the legal and practical implications of the constitutional provisions relevant to indigenous and tribal peoples; and (ii) increasing cooperation between and among government officials, national and international organizations and indigenous and tribal peoples within the framework of Convention No. 169, which emphasizes consultation and participation.

63. In collaboration with the Committee for Ethnic Minorities and Mountainous Areas of the Government of Viet Nam (CEMMA), the project has been involved in the drafting of policy guidelines on indigenous and tribal peoples. A pilot project is also planned, as a joint ILO-CEMMA activity, in the Thai Nguyen province of Viet Nam. The Natural Resources Management and Women's Work Load in Ethnic Communities Project will be tackled in three different areas, with the objective of promoting natural resource management and sustainable use of natural resources and of improving the working conditions of the women in the communities affected by the project.

64. A study tour to the Philippines is also planned as part of the "Indigenous to Indigenous" module.

Africa

65. Following the Conference on the Constitutional Accommodation of Vulnerable Indigenous Communities, held in May 1998 in Pretoria, South Africa, a follow-up conference, organized by the South African Department of Constitutional Development, took place on 8 March 1999. Its purpose was to create a body through which South African indigenous peoples' organizations could articulate their needs and interests.

66. Following the Conference on Indigenous Peoples of Eastern, Central and Southern Africa, held in Arusha, Tanzania in January 1999, the project is planning several workshops, at the village level in order to introduce rural Maasai, Hadzabe and Barabaig to ILO Convention No. 169, which will be translated into Swahili.

67. An Eastern African Indigenous Women's Conference is being planned to take place in Nairobi, Kenya, in collaboration with the African Indigenous Women's Organisation (AIWO). Two workshops are planned for the near future: the first on indigenous and tribal women will take place in September 1999 and the second, regarding land issues, will take place in October 1999.

68. The project has been approached by the Confederation Syndicale de Travailleurs du Cameroun and asked for assistance in the examination of unorganized Pygmy workers. The first fact-finding mission on this regard is taking place in July 1999, with the possibility of a workshop taking place in October 1999.

69. A Regional Seminar on ILO Convention No. 169 and the Rights of Indigenous Peoples will be held on 14 and 15 November 1999 in Rabat, Morocco, following an invitation in November 1998 from the Amazigh (Berber) organization TAMAYNUT. This will be in collaboration with UNESCO.

The Americas

70. Following the establishment of a radio programme entitled "Semillas" ("Seeds") explaining the basic principles of ILO Convention No. 169 in Costa Rica during 1998, a publication will be produced to document the experiences of the Costa Ricans in using radio to promote indigenous rights.

Interregional Programme to Support Self-Reliance of Indigenous and Tribal Communities through Cooperatives and other Self-Help Organizations (INDISCO)

71. The project continued its activities in Asia and Central America. A number of workshops were held on awareness building, the promotion of equal employment opportunities and technical skills in Belize, India, the Philippines, Thailand and Viet Nam in 1998. Activities will be continued in 1999. A workshop on indigenous culture and gender, held in the Philippines in November 1998, dealt with topics such as equal opportunities, gender integration and awareness building. Participants included INDISCO project and field staff, project managers and extension workers. A similar workshop will be held in India in 1999. The annual donor consultation meeting held

in 1998 in the Philippines brought together indigenous and tribal peoples' representatives, donors and Governments to sensitize the latter to the interests and rights of indigenous and tribal peoples.

Other project activities targeting indigenous and tribal peoples

72. In the Philippines, the project on poverty alleviation and democratization has recently been completed. The project tackled the governance aspect of indigenous peoples' issues. The project was able to raise awareness amongst the major sectors of Philippine society on the situation and rights of indigenous peoples, and to address the core problem of under-representation in public life. It also addressed the issue of land tenure security and livelihood development. It lobbied for vital legislation to protect indigenous peoples' rights and helped in strengthening local organizations and in establishing national and regional organizations. Ongoing projects in the Philippines involve support to management of ancestral domains of indigenous communities and strengthening of production and marketing of traditional crafts of indigenous communities in Mindanao.

Publications

73. Forthcoming ILO publications will include translations of ILO Convention No. 169 into Swahili and Amazigh, a simplified guide to Convention No. 169, a publication on customary law and its role in indigenous knowledge systems and a publication on traditional occupations which assesses the changes in living and working conditions of indigenous and tribal peoples over the past 40 years. Also anticipated are: a directory of indigenous and tribal peoples organizations, and an Internet homepage, through which information on project activities will be made available.

V. NOTE ON ITEM 9 (e) OF THE PROVISIONAL AGENDA

74. Within the framework of its General Report, the Committee of Experts discussed special reports on the Forced Labour Convention (No. 29) and on the Abolition of Forced Labour Convention (No. 105). With regard to prison labour, it noted that it was aware of the rehabilitational function of prisoners' working, as well as the risk of explcitation. In this light and following the general comments in relation to article 2 (2) (c) of Convention No. 29 in its General Report last year, the Committee also formulated a general observation intended to elicit information from all States bound by the Convention, which will supplement what has already been obtained or asked for in individual comments. The Committee believes that the question of prisoners being, in the words of the Convention, "hired to or placed at the disposal of private individuals, companies or associations" merits fresh attention at the present time, and it intends to return to the matter when responses to its general observations are received. This relates in particular to the evolving situation in privatized prisons or private workshops inside prisons. The Committee also considered the implementation of Conventions Nos. 29 and 105 an important issue for the Organization, and one on which the Governing Body might wish to consider scheduling a new General Survey in the near future.

VI. NOTE ON ITEM 12 OF THE PROVISIONAL AGENDA

75. The new Convention on the Elimination of the Worst Forms of Child Labour, 1999 (No. 182), and its accompanying Recommendation are described in paragraphs 4 to 6 above.

76. In addition to the above-mentioned new convention, the other most important ILO standard is the Minimum Age Convention, 1973 (No. 138). It is classed as one of the fundamental ILO human rights standards and ratifications have increased rapidly under the current campaign for the ratification of the fundamental conventions. It has now been ratified by 76 countries, including, in the past year, Burkina Faso, China, the Dominican Republic, Egypt, Ethiopia, Hungary, Indonesia, Lithuania, Portugal, the Republic of Korea, Turkey, the United Republic of Tanzania and the United Arab Emirates.

77. ILO supervisory activities in this area are considered principally under the conventions devoted specifically to this subject. However, the ILO Committee of Experts also deals with this child labour issue under other relevant conventions when Convention No. 138 has not been ratified, particularly the Forced Labour Convention, 1930 (No. 29). Information from ILO supervisory bodies is furnished regularly to the Committee on the Rights of the Child and other concerned United Nations bodies.

78. The fight against child labour, of which the International Programme Against the Elimination of Child Labour (ILO-IPEC) is a key leader, now encompasses a strong global partnership of 90 countries. Through IPEC, ILO is actively assisting member States in taking practical steps against child labour. Described as the "operational arm" of ILO in the fight against child labour, IPEC was launched in 1992 with funding from Germany and has been expanding rapidly over the last few years. IPEC is currently supported by 22 donors. A total of 33 countries have signed a memorandum of understanding with ILO, thus committing themselves to work towards the elimination of child labour. Another 32 countries are involved in IPEC in a less formal manner. A total of nearly 1,000 action programmes worldwide have been carried out during the past six years. The United States joined the programme in 1995, contributing $8.1 million up to the end of 1998. Recently, IPEC received a greatly expanded contribution of $30 million from the United States.

79. The aim of IPEC technical cooperation activities is to work towards the progressive elimination of child labour by strengthening national capacities to address child labour problems, and by creating a worldwide movement to combat it. Child labour is a vast, complex and multifaceted phenomenon. In the long term it can be solved only from within countries themselves. IPEC experience in the field has confirmed that given the enormity and complexity of the child labour issue, it is unrealistic to believe that this problem, which has existed for such a long time, can be eliminated overnight. Thus, IPEC gives top priority to action which will bring an end to the worst forms of child labour. The priority target groups include:

Children working under forced labour conditions and in bondage;

Children in hazardous working conditions and occupations;

Children who are particularly vulnerable - such as very young working children (under 12 years of age) and working girls.

80. In the view of IPEC, the best way to strengthen the capacity of partner organizations - especially Governments - is to apply a phased and multisectoral strategy, consisting of the following steps: (i) to motivate ILO constituents and other relevant partners to engage in a dialogue on child labour and to create alliances to overcome the problem; (ii) to carry out a situation analysis to find out the nature and magnitude of child labour problems in a given country; (iii) to assist the concerned parties within a country in devising national policies to address specific child labour problems; (iv) to strengthen the existing organizations and set up institutional mechanisms in order to achieve national "ownership" of a country's child labour programme; (v) to create awareness of the problem in the community and the workplace; (vi) to promote the development and application of protective legislation; (vii) to support direct action with (potential) child workers and their supporters; (viii) to reproduce and expand successful projects in order to integrate their strong points into the regular programmes and budgets of a country's social partners; and (ix) to integrate child labour issues systematically into social and economic development policies, programmes and budgets.

81. To develop strong, broad-based strategies against child labour, it is absolutely essential to develop the best possible statistical data and knowledge bank of experiences on child labour issues. ILO has provided extensive assistance to member States in conducting child labour surveys during the past five years. Thus far, child labour surveys have been carried out in 10 countries and new surveys are under way in 14 countries. But crucial work is still needed in the field of data collection and the identification of "best practices". In order to achieve maximum leverage of all the resources being brought to bear against child labour, it is essential to identify the best models and the best solutions for specific types of child labour problems. Information about these models then must be distributed and shared with all parties working on child labour. Responding to this need, ILO has set up within IPEC the Statistical Information and Monitoring Programme on Child Labour (SIMPOC). Designed for a five-year period, this important project will contribute greatly to the generation of quantitative and qualitative data on child labour in 40 countries on a regular basis. Six countries in the Caribbean, for example, participated in a subregional workshop aimed at building the capacity of national statistical offices to collect and disseminate comprehensive statistical information on child labour.

82. Within the framework of IPEC, the elimination of child labour in specific hazardous conditions, including commercial sexual exploitation, has become a major focus and has a significant gender component as girl children are the most affected (though many boys also suffer from such exploitation). In this context, ILO-IPEC has been active in assisting countries in the design and implementation of programmes on trafficking in children, in particular through two subregional programmes in Asia. The subregional programmes in the Mekong region and South Asia included action oriented research in eight countries. 4/ The aim was to identify strategies to strengthen national action and to develop bilateral and subregional cooperation among countries affected by the trafficking situation. The results of the research were

discussed during two subregional consultations and used as a basis for subregional activities and specific interventions to combat trafficking in children for labour exploitation, including prostitution, domestic work and other forms of labour exploitation. Follow-up implementation in all these countries will start later this year. Particular attention will be given to vulnerable groups such as children of migrants and ethnic minorities, tribal groups, the very young (under 12 years of age) and girls. While ILO-IPEC will continue to strengthen its action in the Asian region, a similar programme to assess the problem and identify national and subregional responses will be launched in Western and Central Africa. 5/ In addition, ongoing programmes are implemented at the country level and include direct action programmes targeting children and parents, advocacy and campaigns and capacity-building and strengthening of (i) legislation and enforcement, (ii) research and information dissemination, and (iii) coordination and networking.

VII. NOTE ON ITEM 12 (c) OF THE PROVISIONAL AGENDA

83. Among the objectives of ILO are the promotion of employment for persons with disabilities and action to overcome discrimination based on physical and mental disability. Efforts in this regard require particular attention in an environment characterized by global competition and the deregulation of labour markets. While there has been significant progress concerning the occupational integration of persons with disabilities in both industrialized and developing countries, there is a need for ILO to make a more comprehensive effort to ensure that such progress becomes a more generalized trend worldwide. To this end, ILO has begun intensive consultations with the principal international non-governmental organizations concerned with disabled persons. This process of collaboration has been extended to selected national rehabilitation centres. One of the main objectives of these activities is to strengthen the way in which disability questions are managed in enterprises.

84. It should be recalled that the first General Survey on the Vocational Rehabilitation and Employment (Disabled Persons) Convention (No. 159) and Recommendation (No. 168), 1983, was published in 1998 and discussed at the 86th Session (1998) of the International Labour Conference. A practical follow-up to the General Survey would be a code of practice on the management of disability-related issues in the workplace.

85. The Office carried out a technical cooperation project from November 1996 to December 1998 in several Latin American countries in order to overcome discrimination against persons with disabilities and guarantee their equal access to vocational training institutions. In July 1998, national consultative meetings were held in Panama and the Dominican Republic with ILO constituents and the main NGOs, with the aim of developing national action programmes to promote equal opportunities in the labour market for persons with disabilities.

86. The first phase of the international research project on job retention and return to work strategies for disabled workers culminated in May 1998 in the publication by ILO of the Key Issues Paper, drawing on reports from the eight participant countries, and with the International Symposium on Job Retention and Return to Work Strategies for Disabled Workers, hosted by the Government of the United States in Washington, D.C. The project is designed

to link research with the current and emerging concerns of Governments, employers and workers. The determination of the eight industrialized countries to participate and share in the costs of this project was motivated by common social and economic concerns. The findings of the initial research and the discussions in the meeting have uncovered promising solutions, as well as areas requiring further scrutiny and commitment to action.

87. Among the different kinds of disability, the incidence of mental disability, and particularly depression, is increasing most rapidly. ILO intends to analyse the different forms of mental disability and the reasons for its increase in society and in the working environment, and to elaborate practical solutions concerning the means that might be taken to overcome discrimination arising from this disability. With external financing, new research was initiated by the ILO in January 1999. The Office is also intensifying its cooperation with the Council of Europe's Committee on the Rehabilitation and Integration of People with Disabilities in order to develop further strategies to improve access to training, employment and occupation for persons with disabilities.

88. Another equally important area is the Drug and Alcohol Prevention Programme, which has as its objectives: (i) to increase the capacity of ILO member States, and of employers' and workers' organizations, as well as enterprises, to formulate policies and implement programmes to prevent and reduce drug and alcohol problems in the workplace; (ii) to increase access by these partners to information and resource material for policy formulation and programme development. For this purpose the Code of Practice on the Management of Alcohol and Drug-related Issues in the Workplace was developed and published in 1996 to provide a framework for the development of the drug and alcohol prevention programme. One of the key concepts of the Code is that drug and alcohol policies and programmes should "apply to all staff, managers and employees and should not discriminate on grounds of race, colour, sex, religion, political opinion, national extraction or social origin". ILO is promoting the Code of Practice through workshops and presentations at international meetings and conferences.

Notes

1/ Including: the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Equal Remuneration Convention, 1951 (No. 100), the Minimum Age Convention, 1973 (No. 138), the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Indigenous and Tribal Populations Convention, 1957 (No. 107) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Workers with Family Responsibilities Convention, 1975 (No. 156), and the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

2/ International Labour Conference, 87th Session, 1999: Report III (Part 1A): Report of the Committee of Experts on the Application of Conventions and Recommendations. Copies of the Committee's annual report are regularly furnished to the Office of the High Commissioner for Human Rights and are available on request for members of the Sub-Commission.

3/ ILO, Migrant Workers, Report III (Part 1 B), International Labour Conference, 87th Session, 1999.

4/ Bangladesh, Cambodia, China, Nepal, Pakistan, Sri Lanka, Thailand and Viet Nam. The country study on Thailand also included information on the Lao People's Democratic Republic.

5/ Benin, Burkina Faso, Cameroon, Gabon, Ghana, Côte d'Ivoire, Mali, Nigeria, Togo.